



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 2339

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2339 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 4-103 as follows:

6 (625 ILCS 5/4-103) (from Ch. 95 1/2, par. 4-103)

7 Sec. 4-103. Offenses relating to motor vehicles and other  
8 vehicles - Felonies.

9 (a) Except as provided in subsection (a-1), it is a  
10 violation of this Chapter for:

11 (1) A person not entitled to the possession of a  
12 vehicle or essential part of a vehicle to receive, possess,  
13 conceal, sell, dispose, or transfer it, knowing it to have  
14 been stolen or converted. Knowledge that a vehicle or  
15 essential part is stolen or converted may be inferred: (A)  
16 from the surrounding facts and circumstances, which would

1       lead a reasonable person to believe that the vehicle or  
2       essential part is stolen or converted; or (B) if the person  
3       exercises exclusive unexplained possession over the stolen  
4       or converted vehicle or essential part, regardless of  
5       whether the date on which the vehicle or essential part was  
6       stolen is recent or remote; additionally the General  
7       ~~Assembly finds that the acquisition and disposition of~~  
8       ~~vehicles and their essential parts are strictly controlled~~  
9       ~~by law and that such acquisitions and dispositions are~~  
10      ~~reflected by documents of title, uniform invoices, rental~~  
11      ~~contracts, leasing agreements and bills of sale. It may be~~  
12      ~~inferred, therefore that a person exercising exclusive~~  
13      ~~unexplained possession over a stolen or converted vehicle~~  
14      ~~or an essential part of a stolen or converted vehicle has~~  
15      ~~knowledge that such vehicle or essential part is stolen or~~  
16      ~~converted, regardless of whether the date on which such~~  
17      ~~vehicle or essential part was stolen is recent or remote;~~

18           (2) A person to knowingly remove, alter, deface,  
19      destroy, falsify, or forge a manufacturer's identification  
20      number of a vehicle or an engine number of a motor vehicle  
21      or any essential part thereof having an identification  
22      number;

23           (3) A person to knowingly conceal or misrepresent the  
24      identity of a vehicle or any essential part thereof;

25           (4) A person to buy, receive, possess, sell or dispose  
26      of a vehicle, or any essential part thereof, with knowledge

1 that the identification number of the vehicle or any  
2 essential part thereof having an identification number has  
3 been removed or falsified;

4 (5) A person to knowingly possess, buy, sell, exchange,  
5 give away, or offer to buy, sell, exchange or give away,  
6 any manufacturer's identification number plate, mylar  
7 sticker, federal certificate label, State police  
8 reassignment plate, Secretary of State assigned plate,  
9 rosette rivet, or facsimile of such which has not yet been  
10 attached to or has been removed from the original or  
11 assigned vehicle. It is an affirmative defense to  
12 subsection (a) of this Section that the person possessing,  
13 buying, selling or exchanging a plate mylar sticker or  
14 label described in this paragraph is a police officer doing  
15 so as part of his official duties, or is a manufacturer's  
16 authorized representative who is replacing any  
17 manufacturer's identification number plate, mylar sticker  
18 or Federal certificate label originally placed on the  
19 vehicle by the manufacturer of the vehicle or any essential  
20 part thereof;

21 (6) A person to knowingly make a false report of the  
22 theft or conversion of a vehicle to any police officer of  
23 this State or any employee of a law enforcement agency of  
24 this State designated by the law enforcement agency to  
25 take, receive, process, or record reports of vehicle theft  
26 or conversion.

1 (a-1) A person engaged in the repair or servicing of  
2 vehicles does not violate this Chapter by knowingly possessing  
3 a manufacturer's identification number plate for the purpose of  
4 reaffixing it on the same damaged vehicle from which it was  
5 originally taken, if the person reaffixes or intends to reaffix  
6 the original manufacturer's identification number plate in  
7 place of the identification number plate affixed on a new  
8 dashboard that has been or will be installed in the vehicle.  
9 The person must notify the Secretary of State each time the  
10 original manufacturer's identification number plate is  
11 reaffixed on a vehicle. The person must keep a record  
12 indicating that the identification number plate affixed on the  
13 new dashboard has been removed and has been replaced by the  
14 manufacturer's identification number plate originally affixed  
15 on the vehicle. The person also must keep a record regarding  
16 the status and location of the identification number plate  
17 removed from the replacement dashboard. The Secretary shall  
18 adopt rules for implementing this subsection (a-1).

19 (a-2) The owner of a vehicle repaired under subsection  
20 (a-1) must, within 90 days of the date of the repairs, contact  
21 an officer of the Illinois State Police Vehicle Inspection  
22 Bureau and arrange for an inspection of the vehicle, by the  
23 officer or the officer's designee, at a mutually agreed upon  
24 date and location.

25 (b) Sentence. A person convicted of a violation of this  
26 Section shall be guilty of a Class 2 felony.

1 (c) The offenses set forth in subsection (a) of this  
2 Section shall not include the offense set forth in Section  
3 4-103.2 of this Code.

4 (Source: P.A. 93-456, eff. 8-8-03.)

5 Section 10. The Juvenile Court Act of 1987 is amended by  
6 adding Section 5-408 as follows:

7 (705 ILCS 405/5-408 new)

8 Sec. 5-408. Processing of juvenile detained for certain  
9 offenses.

10 (a) If a law enforcement officer detains a minor for an act  
11 that if committed by an adult would constitute vehicular  
12 hijacking, aggravated vehicular hijacking, or possession of a  
13 stolen motor vehicle, the officer shall deliver the minor to  
14 the nearest juvenile officer, as provided under subsection (2)  
15 of Section 5-405 of this Act. The juvenile officer shall  
16 deliver the minor without unnecessary delay to the court or to  
17 the place designated by rule or order of court for the  
18 reception of minors. In no event shall the minor be eligible  
19 for any other disposition by the juvenile police officer,  
20 notwithstanding the provisions of subsection (3) of Section  
21 5-405 of this Act.

22 (b) Minors shall be brought before a judicial officer  
23 within 40 hours, exclusive of Saturdays, Sundays, and  
24 court-designated holidays, for a detention hearing to

1 determine whether he or she shall be further held in custody.  
2 If the court finds that there is probable cause to believe that  
3 the minor is a delinquent minor by virtue of his or her  
4 violation of Section 18-3 or 18-4 of the Criminal Code of 1961  
5 or the Criminal Code of 2012 or item (1) of subsection (a) of  
6 Section 4-103 of the Illinois Vehicle Code, that finding shall  
7 create a presumption that immediate and urgent necessity exists  
8 under subsection (2) of Section 5-501 of this Act. Once the  
9 presumption of immediate and urgent necessity has been raised,  
10 the burden of demonstrating the lack of immediate and urgent  
11 necessity shall be on any party that is opposing detention for  
12 the minor. Should the court order detention under this Section,  
13 the minor shall be detained, pending the results of a  
14 court-ordered psychological evaluation to determine if the  
15 minor is a risk to himself, herself, or others. Upon receipt of  
16 the psychological evaluation, the court shall review the  
17 determination regarding the existence of urgent and immediate  
18 necessity. The court shall consider the psychological  
19 evaluation in conjunction with the other factors identified in  
20 subsection (2) of Section 5-501 of this Act in order to make a  
21 de novo determination regarding whether it is a matter of  
22 immediate and urgent necessity for the protection of the minor  
23 or of the person or property of another that the minor be  
24 detained or placed in a shelter care facility. In addition to  
25 the pre-trial conditions found in Section 5-505 of this Act,  
26 the court may order the minor to receive counseling and any

1 other services recommended by the psychological evaluation as a  
2 condition for release of the minor.

3 (c) Psychological evaluations ordered under subsection (b)  
4 of this Section and statements made by the minor during the  
5 course of these evaluations, shall not be admissible on the  
6 issue of delinquency during the course of any adjudicatory  
7 hearing held under this Act.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.".