



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0186

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

725 ILCS 5/107-4	from Ch. 38, par. 107-4
725 ILCS 5/107-14	from Ch. 38, par. 107-14
725 ILCS 5/108-1.01 rep.	

Amends the Code of Criminal Procedure of 1963. Provides that a peace officer shall not stop any person in a public place based upon an officer's inference from the circumstances that the person is committing, is about to commit, or has committed an offense as defined in the Code. Eliminates a provision requiring an officer to provide the person with a stop receipt that provides the reason for the stop and contains the officer's name and badge number. Makes conforming changes. Effective immediately.

LRB101 04814 SLF 49823 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 Code of Criminal Procedure of 1963 is
5 amended by changing Sections 107-4 and 107-14 as follows:

6 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

7 Sec. 107-4. Arrest by peace officer from other
8 jurisdiction.

9 (a) As used in this Section:

10 (1) "State" means any State of the United States and
11 the District of Columbia.

12 (2) "Peace Officer" means any peace officer or member
13 of any duly organized State, County, or Municipal peace
14 unit, any police force of another State, the United States
15 Department of Defense, or any police force whose members,
16 by statute, are granted and authorized to exercise powers
17 similar to those conferred upon any peace officer employed
18 by a law enforcement agency of this State.

19 (3) "Fresh pursuit" means the immediate pursuit of a
20 person who is endeavoring to avoid arrest.

21 (4) "Law enforcement agency" means a municipal police
22 department or county sheriff's office of this State.

23 (a-3) Any peace officer employed by a law enforcement

1 agency of this State may ~~conduct temporary questioning pursuant~~
2 ~~to Section 107-14 of this Code and may~~ make arrests in any
3 jurisdiction within this State: (1) if the officer is engaged
4 in the investigation of criminal activity that occurred in the
5 officer's primary jurisdiction and the temporary questioning
6 or arrest relates to, arises from, or is conducted pursuant to
7 that investigation; or (2) if the officer, while on duty as a
8 peace officer, becomes personally aware of the immediate
9 commission of a felony or misdemeanor violation of the laws of
10 this State; or (3) if the officer, while on duty as a peace
11 officer, is requested by an appropriate State or local law
12 enforcement official to render aid or assistance to the
13 requesting law enforcement agency that is outside the officer's
14 primary jurisdiction; or (4) in accordance with Section
15 2605-580 of the Department of State Police Law of the Civil
16 Administrative Code of Illinois. While acting pursuant to this
17 subsection, an officer has the same authority as within his or
18 her own jurisdiction.

19 (a-7) The law enforcement agency of the county or
20 municipality in which any arrest is made under this Section
21 shall be immediately notified of the arrest.

22 (b) Any peace officer of another State who enters this
23 State in fresh pursuit and continues within this State in fresh
24 pursuit of a person in order to arrest him on the ground that
25 he has committed an offense in the other State has the same
26 authority to arrest and hold the person in custody as peace

1 officers of this State have to arrest and hold a person in
2 custody on the ground that he has committed an offense in this
3 State.

4 (c) If an arrest is made in this State by a peace officer
5 of another State in accordance with the provisions of this
6 Section he shall without unnecessary delay take the person
7 arrested before the circuit court of the county in which the
8 arrest was made. Such court shall conduct a hearing for the
9 purpose of determining the lawfulness of the arrest. If the
10 court determines that the arrest was lawful it shall commit the
11 person arrested, to await for a reasonable time the issuance of
12 an extradition warrant by the Governor of this State, or admit
13 him to bail for such purpose. If the court determines that the
14 arrest was unlawful it shall discharge the person arrested.

15 (Source: P.A. 98-576, eff. 1-1-14.)

16 (725 ILCS 5/107-14) (from Ch. 38, par. 107-14)

17 Sec. 107-14. Temporary questioning without arrest
18 prohibited. A peace officer shall not stop any person in a
19 public place based upon an officer's inference from the
20 circumstances that the person is committing, is about to
21 commit, or has committed an offense as defined in Section
22 102-15 of this Code. (a) A peace officer, after having
23 identified himself as a peace officer, may stop any person in a
24 public place for a reasonable period of time when the officer
25 reasonably infers from the circumstances that the person is

1 ~~committing, is about to commit or has committed an offense as~~
2 ~~defined in Section 102-15 of this Code, and may demand the name~~
3 ~~and address of the person and an explanation of his actions.~~
4 ~~Such detention and temporary questioning will be conducted in~~
5 ~~the vicinity of where the person was stopped.~~

6 ~~(b) Upon completion of any stop under subsection (a)~~
7 ~~involving a frisk or search, and unless impractical,~~
8 ~~impossible, or under exigent circumstances, the officer shall~~
9 ~~provide the person with a stop receipt which provides the~~
10 ~~reason for the stop and contains the officer's name and badge~~
11 ~~number. This subsection (b) does not apply to searches or~~
12 ~~inspections for compliance with the Fish and Aquatic Life Code,~~
13 ~~the Wildlife Code, the Herptiles Herps Act, or searches or~~
14 ~~inspections for routine security screenings at facilities or~~
15 ~~events. For the purposes of this subsection (b), "badge" means~~
16 ~~an officer's department issued identification number~~
17 ~~associated with his or her position as a police officer with~~
18 ~~that department.~~

19 (Source: P.A. 99-352, eff. 1-1-16.)

20 (725 ILCS 5/108-1.01 rep.)

21 Section 10. The Code of Criminal Procedure of 1963 is
22 amended by repealing Section 108-1.01.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.