



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Sandra M. Pihos, Paul D. Froehlich,
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SYNOPSIS AS INTRODUCED:

625 ILCS 5/16-102

from Ch. 95 1/2, par. 16-102

Amends the Illinois Vehicle Code. Provides that a State's Attorney may not grant permission to a municipal attorney to prosecute a defendant charged with driving on a suspended or revoked license or driving under the influence of alcohol, drugs, or intoxicating compounds if the defendant is not a first offender or if the defendant is charged with a felony.

LRB093 18233 DRH 43932 b

1 AN ACT concerning vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 16-102 as follows:

6 (625 ILCS 5/16-102) (from Ch. 95 1/2, par. 16-102)

7 Sec. 16-102. Arrests - Investigations - Prosecutions.

8 (a) The State Police shall patrol the public highways and
9 make arrests for violation of the provisions of this Act.

10 (b) The Secretary of State, through the investigators
11 provided for in this Act shall investigate and report
12 violations of the provisions of this Act in relation to the
13 equipment and operation of vehicles as provided for in Section
14 2-115 and for such purposes these investigators have and may
15 exercise throughout the State all of the powers of police
16 officers.

17 (c) The State's Attorney of the county in which the
18 violation occurs shall prosecute all violations except when the
19 violation occurs within the corporate limits of a municipality,
20 the municipal attorney may prosecute if written permission to
21 do so is obtained from the State's Attorney.

22 (d) The State's Attorney may not grant to the municipal
23 attorney permission to prosecute a violation of Section 11-501
24 of this Code if:

25 (1) the defendant is not a first offender as defined in
26 Section 11-500; or

27 (2) the offense charged is a felony.

28 (e) The State's Attorney may not grant to the municipal
29 attorney permission to prosecute a violation of Section 6-303
30 of this Code if:

31 (1) the defendant has previously been convicted of
32 violating Section 6-303; or

1 (2) the offense charged is a felony.

2 (Source: P.A. 83-341.)