

HB0038



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0038

Introduced 1/9/2025, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203.5

720 ILCS 5/25-1

from Ch. 38, par. 25-1

Amends the Criminal Code of 2012. Includes in the offense of mob action (1) the knowing or reckless steering of a motor vehicle so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn if the activity results in the use of force or violence disturbing the public peace and (2) the knowing or reckless act of street racing if the activity results in the use of force or violence disturbing the public peace. Defines "street racing". Provides that the penalty for these offenses is a Class 4 felony.

LRB104 03435 RLC 13458 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 Illinois Vehicle Code is amended by
5 changing Section 4-203.5 as follows:

6 (625 ILCS 5/4-203.5)

7 Sec. 4-203.5. Tow rotation list.

8 (a) Each law enforcement agency whose duties include the
9 patrol of highways in this State shall maintain a tow rotation
10 list which shall be used by law enforcement officers
11 authorizing the tow of a vehicle within the jurisdiction of
12 the law enforcement agency. To ensure adequate response time,
13 a law enforcement agency may maintain multiple tow rotation
14 lists, with each tow rotation list covering tows authorized in
15 different geographic locations within the jurisdiction of the
16 law enforcement agency. A towing service may be included on
17 more than one tow rotation list.

18 (b) Any towing service operating within the jurisdiction
19 of a law enforcement agency may submit an application in a form
20 and manner prescribed by the law enforcement agency for
21 inclusion on the law enforcement agency's tow rotation list.
22 The towing service does not need to be located within the
23 jurisdiction of the law enforcement agency. To be included on

1 a tow rotation list the towing service must meet the following
2 requirements:

3 (1) possess a license permitting the towing service to
4 operate in every unit of local government in the law
5 enforcement agency's jurisdiction that requires a license
6 for the operation of a towing service;

7 (2) if required by the law enforcement agency for
8 inclusion on that law enforcement agency's tow rotation
9 list, each owner of the towing service and each person
10 operating a vehicle on behalf of the towing service shall
11 submit his or her fingerprints to the Illinois State
12 Police in the form and manner prescribed by the Illinois
13 State Police. These fingerprints should be transmitted
14 through a live scan fingerprint vendor licensed by the
15 Department of Financial and Professional Regulation. These
16 fingerprints shall be checked against the fingerprint
17 records now and hereafter filed in the Illinois State
18 Police and Federal Bureau of Investigation criminal
19 history records databases. The Illinois State Police shall
20 charge a fee for conducting the criminal history record
21 check, which shall be deposited in the State Police
22 Services Fund and shall not exceed the actual cost of the
23 State and national criminal history record check. The
24 Illinois State Police shall furnish, pursuant to positive
25 identification, all Illinois conviction information to the
26 law enforcement agency maintaining the tow rotation list

1 and shall forward the national criminal history record
2 information to the law enforcement agency maintaining the
3 tow rotation list. A person may not own a towing service or
4 operate a vehicle on behalf of a towing service included
5 on a tow rotation list if that person has been convicted
6 during the 5 years preceding the application of a criminal
7 offense involving one or more of the following:

8 (A) bodily injury or attempt to inflict bodily
9 injury to another person;

10 (B) theft of property or attempted theft of
11 property; or

12 (C) sexual assault or attempted sexual assault of
13 any kind;

14 (3) each person operating a vehicle on behalf of the
15 towing service must be classified for the type of towing
16 operation he or she shall be performing and the vehicle he
17 or she shall be operating;

18 (4) possess and maintain the following insurance in
19 addition to any other insurance required by law:

20 (A) comprehensive automobile liability insurance
21 with a minimum combined single limit coverage of
22 \$1,000,000;

23 (B) commercial general liability insurance with
24 limits of not less than \$1,000,000 per occurrence,
25 \$100,000 minimum garage keepers legal liability
26 insurance, and \$100,000 minimum on-hook coverage or

1 cargo insurance; and

2 (C) a worker's compensation policy covering every
3 person operating a tow truck on behalf of the towing
4 service, if required under current law;

5 (5) possess a secure parking lot used for short-term
6 vehicle storage after a vehicle is towed that is open
7 during business hours and is equipped with security
8 features as required by the law enforcement agency;

9 (6) utilize only vehicles that possess a valid vehicle
10 registration, display a valid Illinois license plate in
11 accordance with Section 5-202 of this Code, and comply
12 with the weight requirements of this Code;

13 (7) every person operating a towing or recovery
14 vehicle on behalf of the towing service must have
15 completed a Traffic Incident Management Training Program
16 approved by the Department of Transportation;

17 (8) hold a valid authority issued to it by the
18 Illinois Commerce Commission;

19 (9) comply with all other applicable federal, State,
20 and local laws; and

21 (10) comply with any additional requirements the
22 applicable law enforcement agency deems necessary.

23 The law enforcement agency may select which towing
24 services meeting the requirements of this subsection (b) shall
25 be included on a tow rotation list. The law enforcement agency
26 may choose to have only one towing service on its tow rotation

1 list. Complaints regarding the process for inclusion on a tow
2 rotation list or the use of a tow rotation list may be referred
3 in writing to the head of the law enforcement agency
4 administering that tow rotation list. The head of the law
5 enforcement agency shall make the final determination as to
6 which qualified towing services shall be included on a tow
7 rotation list, and shall not be held liable for the exclusion
8 of any towing service from a tow rotation list.

9 (c) A law enforcement agency may authorize its law
10 enforcement officers to tow vehicles for purposes permitted by
11 this Code. Whenever a law enforcement officer initiates a tow
12 of a vehicle, the officer shall contact his or her law
13 enforcement agency and inform the agency that a tow has been
14 authorized. If the law enforcement agency authorizes its law
15 enforcement officers to tow vehicles, the law enforcement
16 officer may tow the vehicle to a location determined by the law
17 enforcement agency that employs the law enforcement officer
18 and shall record the license plate number of the vehicle
19 towed. If the law enforcement agency does not authorize its
20 officers to tow vehicles or declines towing the vehicle, the
21 ~~The~~ law enforcement agency shall then select a towing service
22 from the law enforcement agency's tow rotation list
23 corresponding to the geographical area where the tow was
24 authorized, and shall contact that towing service directly by
25 phone, computer, or similar means. Towing services shall be
26 contacted in the order listed on the appropriate tow rotation

1 list, at which point the towing service shall be placed at the
2 end of that tow rotation list. In the event a listed towing
3 service is not available, the next listed towing service on
4 that tow rotation list shall be contacted.

5 (d) A law enforcement agency may deviate from the order
6 listed on a tow rotation list if the towing service next on
7 that tow rotation list is, in the judgment of the authorizing
8 officer or the law enforcement agency making the selection,
9 incapable of or not properly equipped for handling a specific
10 task related to the tow that requires special skills or
11 equipment. A deviation from the order listed on the tow
12 rotation list for this reason shall not cause a loss of
13 rotation turn by the towing service determined to be incapable
14 or not properly equipped for handling the request.

15 (e) In the event of an emergency a law enforcement officer
16 or agency, taking into account the safety and location of the
17 situation, may deviate from the order of the tow rotation list
18 and obtain towing service from any source deemed appropriate.

19 (f) If the owner or operator of a disabled vehicle is
20 present at the scene of the disabled vehicle, is not under
21 arrest, and does not abandon his or her vehicle, and in the law
22 enforcement officer's opinion the disabled vehicle is not
23 impeding or obstructing traffic, illegally parked, or posing a
24 security or safety risk, the law enforcement officer shall
25 allow the owner of the vehicle to specify a towing service to
26 relocate the disabled vehicle. If the owner chooses not to

1 specify a towing service, the law enforcement agency shall
2 select a towing service for the vehicle as provided in
3 subsection (c) of this Section.

4 (g) If a tow operator is present or arrives where a tow is
5 needed and it has not been requested by the law enforcement
6 agency or the owner or operator, the law enforcement officer,
7 unless acting under Section 11-1431 of this Code, shall advise
8 the tow operator to leave the scene.

9 (h) (Blank).

10 (Source: P.A. 102-538, eff. 8-20-21; 102-759, eff. 1-1-23.)

11 Section 10. The Criminal Code of 2012 is amended by
12 changing Section 25-1 as follows:

13 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

14 Sec. 25-1. Mob action.

15 (a) A person commits mob action when he or she engages in
16 any of the following:

17 (1) the knowing or reckless use of force or violence
18 disturbing the public peace by 2 or more persons acting
19 together and without authority of law;

20 (2) the knowing assembly of 2 or more persons with the
21 intent to commit or facilitate the commission of a felony
22 or misdemeanor; ~~or~~

23 (3) the knowing assembly of 2 or more persons, without
24 authority of law, for the purpose of doing violence to the

1 person or property of anyone supposed to have been guilty
2 of a violation of the law, or for the purpose of exercising
3 correctional powers or regulative powers over any person
4 by violence;

5 (4) the knowing or reckless steering of a motor
6 vehicle so that it makes a controlled skid sideways
7 through a turn with the front wheels pointed in a
8 direction opposite to that of the turn if the activity
9 results in the use of force or violence disturbing the
10 public peace; or

11 (5) the knowing or reckless act of street racing if
12 the activity results in the use of force or violence
13 disturbing the public peace. In this paragraph (5),
14 "street racing" has the meaning ascribed to it in Section
15 11-506 of the Illinois Vehicle Code.

16 (b) Sentence.

17 (1) Mob action in violation of paragraph (1), (4), or
18 (5) of subsection (a) is a Class 4 felony.

19 (2) Mob action in violation of paragraphs (2) and (3)
20 of subsection (a) is a Class C misdemeanor.

21 (3) A participant in a mob action that by violence
22 inflicts injury to the person or property of another
23 commits a Class 4 felony.

24 (4) A participant in a mob action who does not
25 withdraw when commanded to do so by a peace officer
26 commits a Class A misdemeanor.

1 (5) In addition to any other sentence that may be
2 imposed, a court shall order any person convicted of mob
3 action to perform community service for not less than 30
4 and not more than 120 hours, if community service is
5 available in the jurisdiction and is funded and approved
6 by the county board of the county where the offense was
7 committed. In addition, whenever any person is placed on
8 supervision for an alleged offense under this Section, the
9 supervision shall be conditioned upon the performance of
10 the community service. This paragraph does not apply when
11 the court imposes a sentence of incarceration.

12 (Source: P.A. 96-710, eff. 1-1-10; 97-1108, eff. 1-1-13.)