



Sen. Jason A. Barickman

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10100HB0092sam001

LRB101 02986 RLC 60272 a

1 AMENDMENT TO HOUSE BILL 92

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 92 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 107-2 as follows:

6 (725 ILCS 5/107-2) (from Ch. 38, par. 107-2)

7 Sec. 107-2. Arrest by Peace Officer.

8 (1) A peace officer may arrest a person when:

9 (a) He has a warrant commanding that such person be  
10 arrested; or

11 (b) He has reasonable grounds to believe that a warrant  
12 for the person's arrest has been issued in this State or in  
13 another jurisdiction; or

14 (c) He has reasonable grounds to believe that the  
15 person is committing or has committed an offense.

16 (2) Whenever a peace officer arrests a person, the officer

1 shall question the arrestee as to whether he or she has any  
2 children under the age of 18 living with him or her who may be  
3 neglected as a result of the arrest or otherwise. The peace  
4 officer shall assist the arrestee in the placement of the  
5 children with a relative or other responsible person designated  
6 by the arrestee. If the peace officer has reasonable cause to  
7 believe that a child may be a neglected child as defined in the  
8 Abused and Neglected Child Reporting Act, he shall report it  
9 immediately to the Department of Children and Family Services  
10 as provided in that Act.

11 (3) A peace officer who executes a warrant of arrest in  
12 good faith beyond the geographical limitation of the warrant  
13 shall not be liable for false arrest.

14 (4) Whenever a peace officer has a warrant of arrest for  
15 the person and the peace officer has contact with the person  
16 because the person is requesting or receiving emergency medical  
17 assistance or medical forensic services for sexual assault at a  
18 medical facility, if the warrant of arrest is not for a  
19 forcible felony as defined in Section 2-8 of the Criminal Code  
20 of 2012 or a violent crime as defined in subsection (c) of  
21 Section 3 of the Rights of Crime Victims and Witnesses Act, the  
22 peace officer shall contact the prosecuting authority of the  
23 jurisdiction issuing the warrant, or if that prosecutor is not  
24 available, the prosecuting authority for the jurisdiction that  
25 covers the medical facility to request waiver of the prompt  
26 execution of the warrant. The prosecuting authority may secure

1 a court order waiving the immediate execution of the warrant  
2 and provide a copy to the peace officer. In this subsection  
3 (4), "sexual assault" means an act of sexual conduct or sexual  
4 penetration defined in Section 11-0.1 of the Criminal Code of  
5 2012, including without limitation, acts prohibited under  
6 Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.  
7 (Source: P.A. 97-333, eff. 8-12-11.)".