



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB1616

by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/103-3

from Ch. 38, par. 103-3

Amends the Code of Criminal Procedure of 1963. Provides that immediately upon arrival at a police station or other place where an arrestee is detained, but no later than one hour after arrival, an arrested person has the right to make at least 3 completed telephone calls at no expense to himself or herself. Provides that an arrested person must be given access to a phone within one hour of arrival at a police station or any other place where detained by law enforcement. Provides that at every police facility where an arrestee may be detained, a sign containing at minimum, the following information in bold block type must be posted in a conspicuous place: (1) a short statement notifying an arrestee of his or her right to have access to a phone within one hour of arrival at the police station; (2) that an arrestee has the right to make at least 3 completed phone calls at no expense to himself or herself; and (3) that phone calls can be made to an attorney, relative, or acquaintance. Provides that in addition to the information required, if the police station is located in a jurisdiction where the court has appointed the public defender or other attorney to an represent arrestee, the telephone number to the public defender or appointed attorney's office must also be displayed. Makes other changes.

LRB101 08434 SLF 53508 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 Section 103-3 as follows:

6 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

7 Sec. 103-3. Right to communicate with attorney and family;  
8 transfers.

9 (a) (Blank). ~~Persons who are arrested shall have the right~~  
10 ~~to communicate with an attorney of their choice and a member of~~  
11 ~~their family by making a reasonable number of telephone calls~~  
12 ~~or in any other reasonable manner. Such communication shall be~~  
13 ~~permitted within a reasonable time after arrival at the first~~  
14 ~~place of custody.~~

15 (a-1) Immediately upon arrival at a police station or other  
16 place where an arrestee is detained, but no later than one hour  
17 after arrival, an arrested person has the right to make at  
18 least 3 completed telephone calls at no expense to himself or  
19 herself. An arrested person must be given access to a phone  
20 within one hour of arrival at a police station or any other  
21 place where detained by law enforcement.

22 (a-2) At every police facility where an arrestee may be  
23 detained, a sign containing at minimum, the following

1 information in bold block type must be posted in a conspicuous  
2 place:

3 (1) a short statement notifying an arrestee of his or  
4 her right to have access to a phone within one hour of  
5 arrival at the police station;

6 (2) that an arrestee has the right to make at least 3  
7 completed phone calls at no expense to himself or herself;  
8 and

9 (3) that phone calls can be made to an attorney,  
10 relative, or acquaintance.

11 (a-3) In addition to the information required in subsection  
12 (a-2), if the police station is located in a jurisdiction where  
13 the court has appointed the public defender or other attorney  
14 to represent an arrestee, the telephone number to the public  
15 defender or appointed attorney's office must also be displayed.  
16 This telephone call must not be monitored, eavesdropped upon,  
17 or recorded.

18 (a-4) Statements made by an arrestee in violation of this  
19 Section are presumed inadmissible in court as evidence against  
20 the arrestee.

21 (b) In the event the accused is transferred to a new place  
22 of custody his or her right to have access to a telephone  
23 within one hour of arrival ~~communicate with an attorney and a~~  
24 ~~member of his family~~ is renewed.

25 (Source: Laws 1963, p. 2836.)