



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0625

Introduced 2/24/2021, by Sen. Jacqueline Y. Collins

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/103-3

from Ch. 38, par. 103-3

Amends the Code of Criminal Procedure of 1963. Provides that persons who are in police custody have the right to communicate free of charge with an attorney of their choice and family members as soon as possible, upon being taken into police custody, but no later than one hour after arrival at the first place of custody and before any questioning by law enforcement occurs. Persons in police custody must be given: (1) access to use a telephone via a land line or cellular phone to make at least 3 telephone calls; and (2) the ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory. Provides that notice of these rights must be posted in a conspicuous place at each place a person is in police custody. Provides that if the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. Provides that in the event a person who is in police custody is transferred to a new place of custody, his or her right to make at least 3 telephone calls within one hour after arrival is renewed. Provides that statements made by a person who is detained in police custody in violation of this provision are presumed inadmissible in court as evidence.

LRB102 12151 KMF 17488 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-5) Persons who are in police custody have the right to  
16 communicate free of charge with an attorney of their choice  
17 and members of their family as soon as possible upon being  
18 taken into police custody, but no later than one hour after  
19 arrival at the first place of custody and before any  
20 questioning by law enforcement occurs. Persons in police  
21 custody must be given:

22 (1) access to use a telephone via a land line or  
23 cellular phone to make at least 3 telephone calls; and

1           (2) the ability to retrieve phone numbers contained in  
2           his or her contact list on his or her cellular phone prior  
3           to the phone being placed into inventory.

4           (a-10) Pursuant to Section 103-7, at every facility where  
5           a person is in police custody a sign containing, at minimum,  
6           the following information in bold block type must be posted in  
7           a conspicuous place:

8           (1) A short statement notifying persons who are in  
9           police custody of their right to have access to a phone  
10           within one hour after being taken into police custody.

11           (2) Persons who are in police custody have the right  
12           to make up to 3 phone calls within one hour after being  
13           taken into custody, at no charge.

14           (a-15) In addition to the information listed in subsection  
15           (a-10), if the place of custody is located in a jurisdiction  
16           where the court has appointed the public defender or other  
17           attorney to represent persons who are in police custody, the  
18           telephone number to the public defender or appointed  
19           attorney's office must also be displayed. The telephone call  
20           to the public defender or other attorney must not be  
21           monitored, eavesdropped upon, or recorded.

22           (b) (Blank).

23           (c) In the event a person who is in police custody is  
24           transferred to a new place of custody, his or her right to make  
25           at least 3 telephone calls within one hour after arrival is  
26           renewed.

1       (d) Statements made by a person who is detained in police  
2 custody in violation of this Section are presumed inadmissible  
3 in court as evidence. The presumption of inadmissibility may  
4 be overcome by a preponderance of the evidence that law  
5 enforcement did not knowingly prevent (either by action or  
6 inaction) or delay a person's right to communicate under this  
7 Section, based on the totality of the circumstances.

8       (e) In this Section "custody" means the restriction of a  
9 person's freedom of movement by a law enforcement officer's  
10 exercise of his or her lawful authority ~~In the event the~~  
11 ~~accused is transferred to a new place of custody his right to~~  
12 ~~communicate with an attorney and a member of his family is~~  
13 ~~renewed.~~

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