



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0296

Introduced 2/7/2007, by Sen. Carole Pankau

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-13
725 ILCS 5/107-4

from Ch. 38, par. 2-13
from Ch. 38, par. 107-4

Amends the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. Defines "peace officer" for specified purposes to include a Department of Defense peace officer who has at least the minimum training prescribed by the Illinois Law Enforcement Training Standards Board for peace officers of units of local government. Effective July 1, 2007.

LRB095 09008 RLC 29199 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 Criminal Code of 1961 is amended by changing
5 Section 2-13 as follows:

6 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

7 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
8 person who by virtue of his office or public employment is
9 vested by law with a duty to maintain public order or to make
10 arrests for offenses, whether that duty extends to all offenses
11 or is limited to specific offenses, or (ii) any person who, by
12 statute, is granted and authorized to exercise powers similar
13 to those conferred upon any peace officer employed by a law
14 enforcement agency of this State.

15 For purposes of Sections concerning unlawful use of
16 weapons, for the purposes of assisting an Illinois peace
17 officer in an arrest, or when the commission of a felony under
18 Illinois law is directly observed by the person, and statutes
19 involving the false personation of a peace officer, false
20 personation of a peace officer while carrying a deadly weapon,
21 and aggravated false personation of a peace officer, then
22 officers, agents or employees of the federal government
23 commissioned by federal statute to make arrests for violations

1 of federal criminal laws shall be considered "peace officers"
2 under this Code, including, but not limited to all criminal
3 investigators of:

4 (1) The United States Department of Justice, The
5 Federal Bureau of Investigation, The Drug Enforcement
6 Agency and The Department of Immigration and
7 Naturalization;

8 (2) The United States Department of the Treasury, The
9 Secret Service, The Bureau of Alcohol, Tobacco and Firearms
10 and The Customs Service;

11 (3) The United States Internal Revenue Service;

12 (4) The United States General Services Administration;

13 (5) The United States Postal Service; ~~and~~

14 (6) all United States Marshals or Deputy United States
15 Marshals whose duties involve the enforcement of federal
16 criminal laws; and -

17 (7) Department of Defense peace officers who have at
18 least the minimum training prescribed by the Illinois Law
19 Enforcement Training Standards Board for peace officers of
20 units of local government.

21 (Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07;
22 revised 8-3-06.)

23 Section 10. The Code of Criminal Procedure of 1963 is
24 amended by changing Section 107-4 as follows:

1 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
2 Sec. 107-4. Arrest by peace officer from other
3 jurisdiction.

4 (a) As used in this Section:

5 (1) "State" means any State of the United States and
6 the District of Columbia.

7 (2) "Peace Officer" means any peace officer or member
8 of any duly organized State, County, or Municipal peace
9 unit, any police force of another State, a Department of
10 Defense peace officer who has at least the minimum training
11 prescribed by the Illinois Law Enforcement Training
12 Standards Board for peace officers of units of local
13 government, or any police force whose members, by statute,
14 are granted and authorized to exercise powers similar to
15 those conferred upon any peace officer employed by a law
16 enforcement agency of this State.

17 (3) "Fresh pursuit" means the immediate pursuit of a
18 person who is endeavoring to avoid arrest.

19 (4) "Law enforcement agency" means a municipal police
20 department or county sheriff's office of this State.

21 (a-3) Any peace officer employed by a law enforcement
22 agency of this State may conduct temporary questioning pursuant
23 to Section 107-14 of this Code and may make arrests in any
24 jurisdiction within this State if: (1) the officer is engaged
25 in the investigation of an offense that occurred in the
26 officer's primary jurisdiction and the temporary questioning

1 is conducted or the arrest is made pursuant to that
2 investigation; or (2) the officer, while on duty as a peace
3 officer, becomes personally aware of the immediate commission
4 of a felony or misdemeanor violation of the laws of this State;
5 or (3) the officer, while on duty as a peace officer, is
6 requested by an appropriate State or local law enforcement
7 official to render aid or assistance to the requesting law
8 enforcement agency that is outside the officer's primary
9 jurisdiction. While acting pursuant to this subsection, an
10 officer has the same authority as within his or her own
11 jurisdiction.

12 (a-7) The law enforcement agency of the county or
13 municipality in which any arrest is made under this Section
14 shall be immediately notified of the arrest.

15 (b) Any peace officer of another State who enters this
16 State in fresh pursuit and continues within this State in fresh
17 pursuit of a person in order to arrest him on the ground that
18 he has committed an offense in the other State has the same
19 authority to arrest and hold the person in custody as peace
20 officers of this State have to arrest and hold a person in
21 custody on the ground that he has committed an offense in this
22 State.

23 (c) If an arrest is made in this State by a peace officer
24 of another State in accordance with the provisions of this
25 Section he shall without unnecessary delay take the person
26 arrested before the circuit court of the county in which the

1 arrest was made. Such court shall conduct a hearing for the
2 purpose of determining the lawfulness of the arrest. If the
3 court determines that the arrest was lawful it shall commit the
4 person arrested, to await for a reasonable time the issuance of
5 an extradition warrant by the Governor of this State, or admit
6 him to bail for such purpose. If the court determines that the
7 arrest was unlawful it shall discharge the person arrested.

8 (Source: P.A. 93-232, eff. 1-1-04; 94-846, eff. 1-1-07.)

9 Section 99. Effective date. This Act takes effect July 1,
10 2007.