

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

Sec. 107-2. Arrest by Peace Officer.

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

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

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

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

(2) Whenever a peace officer arrests a person, the officer shall question the arrestee as to whether he or she has any children under the age of 18 living with him or her who may be neglected as a result of the arrest or otherwise. The peace officer shall assist the arrestee in the placement of the children with a relative or other responsible person designated by the arrestee. If the peace officer has reasonable cause to believe that a child may be a neglected child as defined in the

Abused and Neglected Child Reporting Act, he shall report it immediately to the Department of Children and Family Services as provided in that Act.

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

(4) Whenever a peace officer is aware of a warrant of arrest issued by a circuit court of this State for a person and the peace officer has contact with the person because the person is requesting or receiving emergency medical assistance or medical forensic services for sexual assault at a medical facility, if the warrant of arrest is not for a forcible felony as defined in Section 2-8 of the Criminal Code of 2012, a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act, or an alleged violation of parole or mandatory supervised release, the peace officer shall contact the prosecuting authority of the jurisdiction issuing the warrant, or if that prosecutor is not available, the prosecuting authority for the jurisdiction that covers the medical facility to request waiver of the prompt execution of the warrant. The prosecuting authority may secure a court order waiving the immediate execution of the warrant and provide a copy to the peace officer. As used in this subsection (4), "sexual assault" means an act of sexual conduct or sexual penetration defined in Section 11-0.1 of the Criminal Code of 2012, including without limitation, acts prohibited

under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

(4.5) Whenever a peace officer has a warrant of arrest for a person, subject to the same limitations described in subsection (4), and the peace officer has contact with the person because the person reported that he or she was sexually assaulted within the past 7 days, in addition to informing the person of his or her right to seek free medical attention and evidence collection and providing the written notice required by Section 25 of the Sexual Assault Incident Procedure Act, the officer shall also notify the person that if he or she chooses to go to a medical facility to seek any of those services, then the officer shall inform the prosecuting authority to request waiver of the prompt execution of the warrant.

(Source: P.A. 97-333, eff. 8-12-11.)