

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

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

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

7 (4) Whenever a peace officer has a warrant of arrest for
8 the person or has reasonable grounds to believe that a warrant
9 for the person's arrest has been issued and the peace officer
10 has contact with the person because the person:

11 (a) reported that he or she is a victim of sexual
12 assault; or

13 (b) requested or received emergency medical assistance
14 or medical forensic services for sexual assault;

15 if the warrant of arrest is not for a forcible felony as
16 defined in Section 2-8 of the Criminal Code of 2012 or a
17 violent crime as defined in subsection (c) of Section 3 of the
18 Rights of Crime Victims and Witnesses Act, the peace officer
19 shall not arrest the person but shall issue a notice to appear
20 to the person. In this subsection (4), "sexual assault" means
21 an act of sexual conduct or sexual penetration defined in
22 Section 11-0.1 of the Criminal Code of 2012, including without
23 limitation, acts prohibited under Sections 11-1.20 through
24 11-1.60 of the Criminal Code of 2012.

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