



Rep. Yehiel M. Kalish

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10100HB0092ham002

LRB101 02986 SLF 59004 a

1 AMENDMENT TO HOUSE BILL 92

2 AMENDMENT NO. _____. Amend House Bill 92 by replacing
3 everything after the enacting clause with the following:

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

1 shall question the arrestee as to whether he or she has any
2 children under the age of 18 living with him or her who may be
3 neglected as a result of the arrest or otherwise. The peace
4 officer shall assist the arrestee in the placement of the
5 children with a relative or other responsible person designated
6 by the arrestee. If the peace officer has reasonable cause to
7 believe that a child may be a neglected child as defined in the
8 Abused and Neglected Child Reporting Act, he shall report it
9 immediately to the Department of Children and Family Services
10 as provided in that Act.

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

14 (4) Whenever a peace officer has a warrant of arrest for
15 the person or has reasonable grounds to believe that a warrant
16 for the person's arrest has been issued and the peace officer
17 has contact with the person because the person:

18 (a) reported that he or she is a victim of sexual
19 assault; or

20 (b) requested or received emergency medical assistance
21 or medical forensic services for sexual assault;

22 if the warrant of arrest is not for a forcible felony as
23 defined in Section 2-8 of the Criminal Code of 2012 or a
24 violent crime as defined in subsection (c) of Section 3 of the
25 Rights of Crime Victims and Witnesses Act, the peace officer
26 shall not arrest the person but shall issue a notice to appear

1 to the person. In this subsection (4), "sexual assault" means
2 an act of sexual conduct or sexual penetration defined in
3 Section 11-0.1 of the Criminal Code of 2012, including without
4 limitation, acts prohibited under Sections 11-1.20 through
5 11-1.60 of the Criminal Code of 2012.
6 (Source: P.A. 97-333, eff. 8-12-11.)".