



Sen. Jason A. Barickman

**Filed: 5/28/2019**

10100HB0092sam003

LRB101 02986 RLC 61225 a

1 AMENDMENT TO HOUSE BILL 92

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 92, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (725 ILCS 5/107-2) (from Ch. 38, par. 107-2)

8 Sec. 107-2. Arrest by Peace Officer.

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

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

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

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

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

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

15           (4) Whenever a peace officer is aware of a warrant of  
16 arrest issued by a circuit court of this State for a person and  
17 the peace officer has contact with the person because the  
18 person is requesting or receiving emergency medical assistance  
19 or medical forensic services for sexual assault at a medical  
20 facility, if the warrant of arrest is not for a forcible felony  
21 as defined in Section 2-8 of the Criminal Code of 2012, a  
22 violent crime as defined in subsection (c) of Section 3 of the  
23 Rights of Crime Victims and Witnesses Act, or an alleged  
24 violation of parole or mandatory supervised release, the peace  
25 officer shall contact the prosecuting authority of the  
26 jurisdiction issuing the warrant, or if that prosecutor is not

1 available, the prosecuting authority for the jurisdiction that  
2 covers the medical facility to request waiver of the prompt  
3 execution of the warrant. The prosecuting authority may secure  
4 a court order waiving the immediate execution of the warrant  
5 and provide a copy to the peace officer. As used in this  
6 subsection (4), "sexual assault" means an act of sexual conduct  
7 or sexual penetration defined in Section 11-0.1 of the Criminal  
8 Code of 2012, including without limitation, acts prohibited  
9 under Sections 11-1.20 through 11-1.60 of the Criminal Code of  
10 2012.

11 (4.5) Whenever a peace officer has a warrant of arrest for  
12 a person, subject to the same limitations described in  
13 subsection (4), and the peace officer has contact with the  
14 person because the person reported that he or she was sexually  
15 assaulted within the past 7 days, in addition to informing the  
16 person of his or her right to seek free medical attention and  
17 evidence collection and providing the written notice required  
18 by Section 25 of the Sexual Assault Incident Procedure Act, the  
19 officer shall also notify the person that if he or she chooses  
20 to go to a medical facility to seek any of those services, then  
21 the officer shall inform the prosecuting authority to request  
22 waiver of the prompt execution of the warrant.

23  
24 (Source: P.A. 97-333, eff. 8-12-11.)"