

HB1583



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1583

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

725 ILCS 5/107-9

from Ch. 38, par. 107-9

Amends the Code of Criminal Procedure of 1963. Provides that if an arrest warrant is sought and the request is made by electronic means that has a simultaneous video and audio transmission between the requester and a judge, the judge may issue an arrest warrant based upon a sworn complaint or sworn testimony communicated in the transmission. Provides that an arrest warrant may be issued electronically by electronic mail.

LRB101 06265 SLF 51291 b

A BILL FOR

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 107-9 as follows:

6 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

7 Sec. 107-9. Issuance of arrest warrant upon complaint.

8 (a) When a complaint is presented to a court charging that
9 an offense has been committed it shall examine upon oath or
10 affirmation the complainant or any witnesses.

11 (b) The complaint shall be in writing and shall:

12 (1) State the name of the accused if known, and if not
13 known the accused may be designated by any name or
14 description by which he can be identified with reasonable
15 certainty;

16 (2) State the offense with which the accused is
17 charged;

18 (3) State the time and place of the offense as
19 definitely as can be done by the complainant; ~~and~~

20 (4) Be subscribed and sworn to by the complainant.

21 (b-5) Notwithstanding subsection (b) of this Section, if an
22 arrest warrant is sought and the request is made by electronic
23 means that has a simultaneous video and audio transmission

1 between the requester and a judge, the judge may issue an
2 arrest warrant based upon a sworn complaint or sworn testimony
3 communicated in the transmission.

4 (c) A warrant shall be issued by the court for the arrest
5 of the person complained against if it appears from the
6 contents of the complaint and the examination of the
7 complainant or other witnesses, if any, that the person against
8 whom the complaint was made has committed an offense.

9 (d) The warrant of arrest shall:

10 (1) Be in writing;

11 (2) Specify the name, sex and birth date of the person
12 to be arrested or if his name, sex or birth date is
13 unknown, shall designate such person by any name or
14 description by which he can be identified with reasonable
15 certainty;

16 (3) Set forth the nature of the offense;

17 (4) State the date when issued and the municipality or
18 county where issued;

19 (5) Be signed by the judge of the court with the title
20 of his office;

21 (6) Command that the person against whom the complaint
22 was made be arrested and brought before the court issuing
23 the warrant or if he is absent or unable to act before the
24 nearest or most accessible court in the same county;

25 (7) Specify the amount of bail; and

26 (8) Specify any geographical limitation placed on the

1 execution of the warrant, but such limitation shall not be
2 expressed in mileage.

3 (e) The warrant shall be directed to all peace officers in
4 the State. It shall be executed by the peace officer, or by a
5 private person specially named therein, at any location within
6 the geographic limitation for execution placed on the warrant.
7 If no geographic limitation is placed on the warrant, then it
8 may be executed anywhere in the State.

9 (f) The arrest warrant may be issued electronically or
10 electromagnetically by use of electronic mail or a facsimile
11 transmission machine and any arrest ~~such~~ warrant shall have the
12 same validity as a written warrant.

13 (Source: P.A. 86-298; 87-523.)