

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) If an arrest warrant is sought and the request is
22 made by electronic means that has a simultaneous video and
23 audio transmission between the requester and a judge, the judge

1 may issue an arrest warrant based upon a sworn complaint or
2 sworn testimony communicated in the transmission.

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

8 (d) The warrant of arrest shall:

9 (1) Be in writing;

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

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

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

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

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

24 (7) Specify the amount of bail; and

25 (8) Specify any geographical limitation placed on the
26 execution of the warrant, but such limitation shall not be

1 expressed in mileage.

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

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

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