



Sen. John F. Curran

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10100HB1583sam001

LRB101 06265 SLF 59111 a

1 AMENDMENT TO HOUSE BILL 1583

2 AMENDMENT NO. _____. Amend House Bill 1583 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 107-9 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

1 charged;

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

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

5 (b-5) If an arrest warrant is sought and the request is
6 made by electronic means that has a simultaneous video and
7 audio transmission between the requester and a judge, the judge
8 may issue an arrest warrant based upon a sworn complaint or
9 sworn testimony communicated in the transmission.

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

15 (d) The warrant of arrest shall:

16 (1) Be in writing;

17 (2) Specify the name, sex and birth date of the person
18 to be arrested or if his name, sex or birth date is
19 unknown, shall designate such person by any name or
20 description by which he can be identified with reasonable
21 certainty;

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

23 (4) State the date when issued and the municipality or
24 county where issued;

25 (5) Be signed by the judge of the court with the title
26 of his office;

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

5 (7) Specify the amount of bail; and

6 (8) Specify any geographical limitation placed on the
7 execution of the warrant, but such limitation shall not be
8 expressed in mileage.

9 (e) The warrant shall be directed to all peace officers in
10 the State. It shall be executed by the peace officer, or by a
11 private person specially named therein, at any location within
12 the geographic limitation for execution placed on the warrant.
13 If no geographic limitation is placed on the warrant, then it
14 may be executed anywhere in the State.

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

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