



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2031

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 2605/2605-98 new
50 ILCS 705/7.5

Creates the Peace Officer Motor Vehicle Pursuit Act. Provides that a peace officer is authorized to initiate a motor vehicle pursuit when the officer is able to articulate a reason to believe the occupant of a fleeing vehicle: (1) has committed or attempted to commit a forcible felony involving the infliction or threatened infliction of great bodily harm; (2) is attempting to escape by use of a deadly weapon or an object or device that the peace officer reasonably believes to be a deadly weapon; (3) otherwise indicates he or she will endanger human life or inflict great bodily harm unless apprehended immediately; or (4) is or has committed the offense of aggravated fleeing or attempting to elude a peace officer. Provides that a peace officer engaged in a motor vehicle pursuit shall activate both the rotating or flashing lights and the siren of his or her police vehicle. Provides that a peace officer who is driving a police vehicle equipped with a video camera shall ensure the camera is activated at all times while engaged in a pursuit or fleeing and eluding incident. Provides for police officer pursuit training. Preempts home rule. Amends the Department of State Police Law of the Civil Administrative Code of Illinois and the Illinois Police Training Act to make conforming changes. Effective January 1, 2020.

LRB101 04895 SLF 49904 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 1. Short title. This Act may be cited as the Peace
5 Officer Motor Vehicle Pursuit Act.

6 Section 5. Definitions. In this Act:

7 "Deadly weapon" means a Category I or Category II weapon as
8 defined in subsection (c) of Section 33A-1 of the Criminal Code
9 of 2012.

10 "Forcible felony" has the meaning ascribed to it in Section
11 2-8 of the Criminal Code of 2012.

12 "Peace officer" has the meaning ascribed to it in Section
13 2-13 of the Criminal Code of 2012.

14 Section 10. Peace officer motor vehicle pursuit.

15 (a) A peace officer may initiate a motor vehicle pursuit
16 when the officer is able to articulate a reason to believe the
17 occupant of a fleeing vehicle:

18 (1) has committed or attempted to commit a forcible
19 felony involving the infliction or threatened infliction
20 of great bodily harm;

21 (2) is attempting to escape by use of a deadly weapon
22 or an object or device that the peace officer reasonably

1 believes to be a deadly weapon;

2 (3) otherwise indicates he or she will endanger human
3 life or inflict great bodily harm unless apprehended
4 immediately; or

5 (4) is or has committed the offense of aggravated
6 fleeing or attempting to elude a peace officer under
7 Section 11-204.1 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance.

9 (b) A peace officer engaged in a motor vehicle pursuit
10 shall:

11 (1) activate both the rotating or flashing lights and
12 the siren of his or her police vehicle;

13 (2) drive with due regard for the safety of others and
14 exercise due care;

15 (3) if driving a police vehicle equipped with a video
16 camera, ensure the camera is activated at all times while
17 engaged in a pursuit or fleeing and eluding incident; and

18 (4) immediately make use of a geographically
19 appropriate radio dispatch system, such as the Illinois
20 State Police Emergency Radio Network or a similar
21 multi-agency law enforcement radio communication system
22 serving the area.

23 (c) The Illinois Law Enforcement Training Standards Board
24 shall develop curriculum and approve training on driving
25 instruction for probationary and permanent police officers
26 that includes:

- 1 (1) crash avoidance methods;
- 2 (2) emergency response;
- 3 (3) precision driving; and
- 4 (4) pursuit techniques.

5 (d) The Illinois State Police Academy shall provide driving
6 instruction training for State troopers that includes:

- 7 (1) crash avoidance methods;
- 8 (2) emergency response;
- 9 (3) precision driving; and
- 10 (4) pursuit techniques.

11 (e) The Illinois State Police Academy and the Illinois Law
12 Enforcement Training Standards Board shall each separately
13 develop a model policy consistent with this Act.

14 Section 15. Home rule. A unit of local government,
15 including a home rule unit, may not regulate peace officer
16 motor vehicle pursuits in a manner inconsistent with the
17 regulation by the State of peace officer motor vehicle pursuits
18 under this Act. This Section is a limitation under subsection
19 (i) of Section 6 of Article VII of the Illinois Constitution on
20 the concurrent exercise by home rule units of powers and
21 functions exercised by the State.

22 Section 105. The Department of State Police Law of the
23 Civil Administrative Code of Illinois is amended by adding
24 Section 2605-98 as follows:

1 (20 ILCS 2605/2605-98 new)

2 Sec. 2605-98. Training; motor vehicle pursuits.

3 (a) The Illinois State Police Academy shall provide driving
4 instruction training for State troopers that includes:

5 (1) crash avoidance methods;

6 (2) emergency response;

7 (3) precision driving; and

8 (4) pursuit techniques.

9 (b) The Illinois State Police Academy shall develop a model
10 policy concerning driving instruction for State troopers
11 consistent with the Peace Officer Motor Vehicle Pursuit Act.

12 Section 110. The Illinois Police Training Act is amended by
13 changing Section 7.5 as follows:

14 (50 ILCS 705/7.5)

15 Sec. 7.5. Police pursuit guidelines and curriculum.

16 (a) The Board shall annually review police pursuit
17 procedures and make available suggested police pursuit
18 guidelines for law enforcement agencies. This Section does not
19 alter the effect of previously existing law, including the
20 immunities established under the Local Governmental and
21 Governmental Employees Tort Immunity Act.

22 (b) The Board shall develop curriculum and approve training
23 on driving instruction for probationary and permanent police

1 officers that includes:

2 (1) crash avoidance methods;

3 (2) emergency response;

4 (3) precision driving; and

5 (4) pursuit techniques.

6 (c) The Board shall develop a model policy concerning
7 driving instruction for probationary and permanent police
8 officers consistent with the Peace Officer Motor Vehicle
9 Pursuit Act.

10 (Source: P.A. 88-637, eff. 9-9-94.)

11 Section 999. Effective date. This Act takes effect January
12 1, 2020.