



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4965

Introduced 2/18/2020, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-1

from Ch. 38, par. 108-1

Amends the Code of Criminal Procedure of 1963. Provides that a law enforcement officer may not search or inspect a wireless communications device or any audio, video, text, or other form of message on a wireless communications device without a search warrant. Defines "wireless communications device".

LRB101 16722 RLC 66111 b

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 108-1 as follows:

6 (725 ILCS 5/108-1) (from Ch. 38, par. 108-1)

7 Sec. 108-1. Search without warrant.

8 (1) When a lawful arrest is effected a peace officer may
9 reasonably search the person arrested and the area within such
10 person's immediate presence for the purpose of:

11 (a) protecting the officer from attack; or

12 (b) preventing the person from escaping; or

13 (c) discovering the fruits of the crime; or

14 (d) discovering any instruments, articles, or things
15 which may have been used in the commission of, or which may
16 constitute evidence of, an offense.

17 (2) (Blank).

18 (3) A law enforcement officer may not search or inspect a
19 motor vehicle, its contents, the driver, or a passenger solely
20 because of a violation of Section 12-603.1 of the Illinois
21 Vehicle Code.

22 (4) A law enforcement officer may not search or inspect a
23 wireless communications device or any audio, video, text, or

1 other form of message on a wireless communications device
2 without a search warrant. As used in this subsection (4),
3 "wireless communications device" has the meaning provided in
4 Section 5 of the Resale Dealers Act.
5 (Source: P.A. 93-99, eff. 7-3-03.)