



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5819

Introduced 4/17/2024, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

430 ILCS 70/2	from Ch. 38, par. 85-2
430 ILCS 70/3	from Ch. 38, par. 85-3
430 ILCS 70/4	from Ch. 38, par. 85-4
430 ILCS 70/5	from Ch. 38, par. 85-5
430 ILCS 70/6	from Ch. 38, par. 85-6
430 ILCS 70/7	from Ch. 38, par. 85-7
430 ILCS 70/8	from Ch. 38, par. 85-8

Amends the Illinois Public Demonstrations Law. Replaces all references to the principal law enforcement officer for the area with references to the sheriff of the county where the march, assembly, meeting, parade, or gathering on roadways originates. Provides that a person who blocks an exceptionally busy public right-of-way for any period of not less than 5 minutes in a manner that prevents, or would prevent, the free passage of a peace officer, a firefighter, or an emergency medical services personnel responder, irrespective of the time of day or notice provided, commits a Class 4 felony. Provides that no act of notification to law enforcement is a defense to the Class 4 felony. Provides that no act or circumstance of scheduling or time is a defense to the Class 4 felony. Provides that if permission is requested from the sheriff of the county where the march, assembly, meeting, parade, or gathering on roadways originates under, it is the responsibility of the sheriff, not the requester, to coordinate with other law enforcement agencies in other jurisdictions as necessary. Preempts the concurrent exercise of home rule. Defines "exceptionally busy public right of way". Makes findings. Effective immediately.

LRB103 40310 BDA 72400 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Demonstrations Law is
5 amended by changing Sections 2, 3, 4, 5, 6, 7, and 8 as
6 follows:

7 (430 ILCS 70/2) (from Ch. 38, par. 85-2)

8 Sec. 2. Declaration of purpose.

9 (a) It is declared to be the public policy of this State:

10 That the maintenance of good order on highways, as defined
11 in Section 2-202 of the "Illinois Highway Code", is a
12 paramount responsibility of democratic government;

13 That the public health, welfare and safety of the
14 community require that the movement of vehicular traffic on
15 such roadways be lawfully conducted with a minimum of
16 disruption;

17 That the practice of unhindered or unrestrained picketing
18 or demonstrating on such roadways has caused disruption of
19 police, fire and emergency services, and injury to persons
20 regardless of participation in the march, assembly or
21 demonstration;

22 That the practice of multiple demonstrations on the same
23 day in different locations in municipalities and

1 unincorporated areas of counties has unreasonably deprived the
2 citizens of the police, fire and emergency services; and

3 That the provisions herein enacted are necessary for the
4 protection of the health, welfare and safety of the public.

5 (b) It is further declared to be the public policy of this
6 State:

7 That the changing technological circumstances since the
8 declaration of purpose in subsection (a), including the use of
9 the internet and smart phones to quickly organize disruptive
10 blockages of the highways, further necessitate the provisions
11 of this Act.

12 That the obstruction of peace officers, firefighters, and
13 emergency medical services by disruptive blockages of the
14 highways continues to endanger the health, welfare, and safety
15 of the public.

16 That the provisions in this Act continue to be necessary
17 for the protection of the health, welfare, and safety of the
18 public.

19 (Source: P.A. 81-840.)

20 (430 ILCS 70/3) (from Ch. 38, par. 85-3)

21 Sec. 3. Unlawful action-Parade permit. It is unlawful for
22 any person, group or organization to conduct or participate in
23 any march, assembly, meeting, parade, or gathering on roadways
24 in more than one specific area of or location in, any
25 municipality or the unincorporated area of a county, on any

1 given day, unless it is acting under authority of a duly issued
2 municipal or county parade or demonstration permit if local
3 ordinance or regulation requires a permit, or, if not, with
4 permission of the sheriff of the county where the march,
5 assembly, meeting, parade, or gathering on roadways originates
6 ~~principal law enforcement officer for the area~~. Only the
7 person, group, or organization responsible for organizing the
8 march, assembly, meeting, parade, or gathering is required to
9 obtain a permit or the permission of the sheriff ~~principal law~~
10 ~~enforcement officer~~, which shall be sufficient to encompass
11 all participants. If a march, assembly, meeting, parade, or
12 gathering on roadways involves the act of crossing or
13 traversing over or upon active railroad tracks, the municipal
14 or county authority or sheriff ~~principal law enforcement~~
15 ~~officer~~, as part of its permit or permission process, may
16 prohibit any portion of the route that involves the act of
17 crossing or traversing over or upon active railroad tracks. If
18 permission is requested from the sheriff of the county where
19 the march, assembly, meeting, parade, or gathering on roadways
20 originates under this Section, it is the responsibility of the
21 sheriff to coordinate with other law enforcement agencies in
22 other jurisdictions as necessary. It is not the responsibility
23 of the requester to make another request.

24 (Source: P.A. 98-320, eff. 8-12-13.)

25 (430 ILCS 70/4) (from Ch. 38, par. 85-4)

1 Sec. 4. Acting with other groups - Size of assemblage. It
2 is unlawful for any group or organization or any individual
3 acting with the group or organization, to conduct or
4 participate in any march, assembly, meeting, parade, or
5 gathering on roadways unless the march, assembly, meeting,
6 parade, or gathering is limited to numbers that, in the
7 opinion of the sheriff of the county where the march,
8 assembly, meeting, parade, or gathering on roadways originates
9 ~~principal law enforcement officer~~, will not obstruct
10 pedestrian or vehicular traffic in an unreasonable manner. The
11 sheriff ~~principal law enforcement officer~~ shall, within 12
12 hours of receiving the notice required by Section 5, inform
13 the group or organization as to the limitation on number of
14 persons allowed to participate. If permission is requested
15 from the sheriff of the county where the march, assembly,
16 meeting, parade, or gathering on roadways originates under
17 this Section, it is the responsibility of the sheriff to
18 coordinate with other law enforcement agencies in other
19 jurisdictions as necessary. It is not the responsibility of
20 the requester to make another request.

21 (Source: P.A. 98-320, eff. 8-12-13.)

22 (430 ILCS 70/5) (from Ch. 38, par. 85-5)

23 Sec. 5. Notice of assemblage in writing-Contents. It is
24 unlawful for any group or organization to conduct or
25 participate in any march, assembly, meeting, parade, or

1 gathering on roadways unless the sheriff of the county where
2 the march, assembly, meeting, parade, or gathering on roadways
3 originates ~~principal law enforcement officer~~ has been given
4 notice in writing of the location, the maximum number of
5 persons participating, and the names and addresses of the
6 organizers of the march, assembly, meeting, parade, or
7 gathering, its route, and its time of inception and duration
8 at least 24 hours before inception. If permission is requested
9 from or notice is provided to the sheriff of the county where
10 the march, assembly, meeting, parade, or gathering on roadways
11 originates under this Section, it is the responsibility of the
12 sheriff to coordinate with other law enforcement agencies in
13 other jurisdictions as necessary. It is not the responsibility
14 of the requester to make another request or give another
15 notice. No act of notification to law enforcement is a defense
16 to subsection (b) of Section 8 of this Act.

17 (Source: P.A. 98-320, eff. 8-12-13.)

18 (430 ILCS 70/6) (from Ch. 38, par. 85-6)

19 Sec. 6. Time of holding. It is unlawful for any group,
20 organization, or any individual to conduct or participate in
21 any march, assembly, meeting, parade, or gathering on roadways
22 during peak traffic periods unless authorized by the sheriff
23 of the county where the march, assembly, meeting, parade, or
24 gathering on roadways originates ~~principal law enforcement~~
25 ~~officer for the area in which the march, assembly, meeting,~~

1 ~~parade, or gathering is to be held.~~ Peak traffic periods,
2 unless otherwise set by municipal or county authority, are for
3 the purposes of this Act declared to be 7:30 a.m. o'clock to
4 9:00 a.m. o'clock in the forenoon, and from 4:30 p.m. o'clock
5 to 6:00 p.m. o'clock in the afternoon, Monday through Friday
6 except for State and National holidays. If permission is
7 requested from the sheriff of the county where the march,
8 assembly, meeting, parade, or gathering on roadways originates
9 under this Section, it is the responsibility of the sheriff to
10 coordinate with other law enforcement agencies in other
11 jurisdictions as necessary. It is not the responsibility of
12 the requester to make another request. No act or circumstance
13 of scheduling or time is a defense to subsection (b) of Section
14 8 of this Act.

15 (Source: P.A. 98-320, eff. 8-12-13.)

16 (430 ILCS 70/7) (from Ch. 38, par. 85-7)

17 Sec. 7. Conflict with municipal ordinance; home rule.

18 (a) Nothing in this Act shall be construed to invalidate
19 or repeal by inference any local or municipal enactment in
20 regard to parades or demonstrations, but if there is an
21 unreconcilable conflict this Act shall prevail as to such
22 portion or portions that are in direct conflict, except as to
23 duly designated peak hours of traffic within its boundaries.

24 (b) A home rule unit may not regulate public
25 demonstrations in a manner inconsistent with the regulation by

1 the State of public demonstrations under this Act. This
2 Section is a limitation under subsection (i) of Section 6 of
3 Article VII of the Illinois Constitution on the concurrent
4 exercise by home rule units of powers and functions exercised
5 by the State.

6 (Source: Laws 1967, p. 3613.)

7 (430 ILCS 70/8) (from Ch. 38, par. 85-8)

8 Sec. 8. Sentence.

9 (a) Violation of this Act, except as provided in
10 subsection (b), is a Class A misdemeanor.

11 (b) A person who blocks an exceptionally busy public
12 right-of-way for any period of not less than 5 minutes in a
13 manner that prevents, or would prevent, the free passage of a
14 peace officer, a firefighter, or an emergency medical services
15 personnel responder, irrespective of the time of day or notice
16 provided, commits a Class 4 felony.

17 (c) As used in this Section, "exceptionally busy public
18 right-of-way" means a public right-of-way that, based on
19 statistics gathered by the Illinois Department of
20 Transportation or the Illinois State Toll Highway Authority,
21 under typical conditions carries at least 24,000 separate
22 motor vehicle movements in any 24-hour period.

23 (Source: P.A. 77-2646.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.