

1 AN ACT in relation to criminal law.

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

4 Section 5. The Illinois Municipal Code is amended by
5 adding Section 1-4-5.1 as follows:

6 (65 ILCS 5/1-4-5.1 new)

7 Sec. 1-4-5.1. Aid or assistance of peace officers from
8 other jurisdictions. Whenever a member of a police
9 department of a municipality with a population greater than
10 500,000 inhabitants requests aid or assistance from another
11 unit of local government or provides aid or assistance to
12 another unit of local government under clause (3) of
13 subsection (a-3) of Section 107-4 of the Code of Criminal
14 Procedure of 1963, the unit of local government on whose
15 behalf the request is made shall hold harmless, indemnify,
16 and defend the police officer and his or her employer against
17 all claims, demands, liability, losses, and suits in law or
18 equity made by a third party, including any liability or
19 obligation to indemnify created by Section 1-4-5 or 1-4-6 of
20 this Code, arising out of the aid or assistance that is
21 provided unless otherwise agreed. The unit of local
22 government requesting assistance shall waive all claims
23 against the police officer or his or her employer arising out
24 of the aid or assistance that is provided under clause (3) of
25 subsection (a-3) of Section 107-4 of the Code of Criminal
26 Procedure of 1963 other than claims resulting from willful
27 and wanton misconduct. This Section does not relieve any
28 unit of local government from liability.

29 Section 10. The Code of Criminal Procedure of 1963 is
30 amended by changing Section 107-4 as follows:

1 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
2 Sec. 107-4. Arrest by peace officer from other
3 jurisdiction.

4 (a) As used in this Section:

5 (1) "State" means any State of the United States
6 and the District of Columbia.

7 (2) "Peace Officer" means any peace officer or
8 member of any duly organized State, County, or Municipal
9 peace unit or police force of another State.

10 (3) "Fresh pursuit" means the immediate pursuit of
11 a person who is endeavoring to avoid arrest.

12 (4) "Law enforcement agency" means a municipal
13 police department or county sheriff's office of this
14 State.

15 (a-3) Any peace officer employed by a law enforcement
16 agency of this State may conduct temporary questioning
17 pursuant to Section 107-14 of this Code and may make arrests
18 in any jurisdiction within this State if: (1) the officer is
19 engaged in the investigation of an offense that occurred in
20 the officer's primary jurisdiction and the temporary
21 questioning is conducted or the arrest is made pursuant to
22 that investigation; or (2) the officer, while on duty as a
23 peace officer, becomes personally aware of the immediate
24 commission of a felony or misdemeanor violation of the laws
25 of this State; or (3) the officer, while on duty as a peace
26 officer, is requested by an appropriate State or local law
27 enforcement official to render aid or assistance to the
28 requesting law enforcement agency that is outside the
29 officer's primary jurisdiction. While acting pursuant to this
30 subsection, an officer has the same authority as within his
31 or her own jurisdiction.

32 (a-7) The law enforcement agency of the county or
33 municipality in which any arrest is made under this Section
34 shall be immediately notified of the arrest.

1 (b) Any peace officer of another State who enters this
2 State in fresh pursuit and continues within this State in
3 fresh pursuit of a person in order to arrest him on the
4 ground that he has committed an offense in the other State
5 has the same authority to arrest and hold the person in
6 custody as peace officers of this State have to arrest and
7 hold a person in custody on the ground that he has committed
8 an offense in this State.

9 (c) If an arrest is made in this State by a peace
10 officer of another State in accordance with the provisions of
11 this Section he shall without unnecessary delay take the
12 person arrested before the circuit court of the county in
13 which the arrest was made. Such court shall conduct a hearing
14 for the purpose of determining the lawfulness of the arrest.
15 If the court determines that the arrest was lawful it shall
16 commit the person arrested, to await for a reasonable time
17 the issuance of an extradition warrant by the Governor of
18 this State, or admit him to bail for such purpose. If the
19 court determines that the arrest was unlawful it shall
20 discharge the person arrested.

21 (Source: P.A. 90-593, eff. 6-19-98; 91-319, eff. 7-29-99.)