

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 107-4 as follows:

6 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

7 Sec. 107-4. Arrest by peace officer from other
8 jurisdiction.

9 (a) As used in this Section:

10 (1) "State" means any State of the United States
11 and the District of Columbia.

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

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

17 (4) "Law enforcement agency" means a municipal
18 police department or county sheriff's office of this
19 State.

20 (a-3) Any peace officer employed by a law enforcement
21 agency of this State may conduct temporary questioning
22 pursuant to Section 107-14 of this Code and may make arrests
23 in any jurisdiction within this State if: (1) the officer is
24 engaged in the investigation of an offense that occurred in
25 the officer's primary jurisdiction and the temporary
26 questioning is conducted or the arrest is made pursuant to
27 that investigation; or (2) the officer, while on duty as a
28 peace officer, becomes personally aware of the immediate
29 commission of a felony or misdemeanor violation of the laws
30 of this State; or (3) the officer, while on duty as a peace
31 officer, is requested by an appropriate State or local law

1 enforcement official to render aid or assistance to the
2 requesting law enforcement agency that is outside the
3 officer's primary jurisdiction. While acting pursuant to this
4 subsection, an officer has the same authority as within his
5 or her own jurisdiction.

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

9 (b) Any peace officer of another State who enters this
10 State in fresh pursuit and continues within this State in
11 fresh pursuit of a person in order to arrest him on the
12 ground that he has committed an offense in the other State
13 has the same authority to arrest and hold the person in
14 custody as peace officers of this State have to arrest and
15 hold a person in custody on the ground that he has committed
16 an offense in this State.

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

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