

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 adding Section 108-1.5 as follows:

6 (725 ILCS 5/108-1.5 new)

7 Sec. 108-1.5. Consent search of motor vehicle.

8 (a) A peace officer may request a consent to search a
9 motor vehicle or a person in a motor vehicle only if the
10 officer can articulate a reasonable suspicion that a search
11 would reveal evidence of a crime.

12 (b) Every consent search of a vehicle shall be based on
13 written consent of the driver or other person authorized to
14 give consent which precedes the search.

15 (c) The scope of the consent search shall be limited to
16 the scope of the consent that is given by the driver or other
17 person authorized to give consent.

18 (d) The driver or other person authorized to give
19 consent has the right to be present during a consent search
20 at a location consistent with the safety of both the peace
21 officer and the motor vehicle occupants. This right can be
22 waived only after the driver or other person authorized to
23 give consent is advised of that right.

24 (e) The driver or other person authorized to give
25 consent who has granted written consent may orally withdraw
26 that consent at any time during the search without giving a
27 reason.

28 (f) A peace officer must immediately stop a consent
29 search of a vehicle if and when consent is withdrawn (except
30 that a search may continue if permitted on some
31 non-consensual basis).