



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5336

Introduced 01/26/06, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-13	from Ch. 38, par. 2-13
720 ILCS 5/32-5.1	from Ch. 38, par. 32-5.1
720 ILCS 5/32-5.1-1 new	
720 ILCS 5/32-5.2	from Ch. 38, par. 32-5.2
720 ILCS 5/32-5.4-1 new	
720 ILCS 5/32-5.5	
625 ILCS 5/12-215	from Ch. 95 1/2, par. 12-215

Amends the Criminal Code of 1961. In the definition of "peace officer", provides that for the purposes of statutes involving the false personation of a peace officer, false personation of a peace officer while carrying a deadly weapon, and aggravated false personation of a peace officer, certain federal law enforcement officers shall be considered peace officers. Increases the penalties for aggravated false personation of a peace officer and aggravated false personation of a fire fighter. Creates the offenses of false personation of a peace officer while carrying a deadly weapon and false personation of a fire fighter while carrying a deadly weapon. Amends the Illinois Vehicle Code. Provides that a person who without lawful authority stops or detains another person while operating a motor vehicle using red or white oscillating, rotating, or flashing lights is guilty of a Class 2 rather than a Class 4 felony. Effective immediately.

LRB094 19171 RLC 54748 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Criminal Code of 1961 is amended by changing
5 Sections 2-13, 32-5.1, 32-5.2, and 32-5.5 and by adding
6 Sections 32-5.1-1 and 32-5.4-1 as follows:

7 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

8 Sec. 2-13. "Peace officer". "Peace officer" means any
9 person who by virtue of his office or public employment is
10 vested by law with a duty to maintain public order or to make
11 arrests for offenses, whether that duty extends to all offenses
12 or is limited to specific offenses.

13 For purposes of Sections concerning unlawful use of
14 weapons, for the purposes of assisting an Illinois peace
15 officer in an arrest, or when the commission of a felony under
16 Illinois law is directly observed by the person, and statutes
17 involving the false personation of a peace officer, false
18 personation of a peace officer while carrying a deadly weapon,
19 and aggravated false personation of a peace officer, then
20 officers, agents or employees of the federal government
21 commissioned by federal statute to make arrests for violations
22 of federal criminal laws shall be considered "peace officers"
23 under this Code, including, but not limited to all criminal
24 investigators of:

25 (1) The United States Department of Justice, The Federal
26 Bureau of Investigation, The Drug Enforcement Agency and The
27 Department of Immigration and Naturalization;

28 (2) The United States Department of the Treasury, The
29 Secret Service, The Bureau of Alcohol, Tobacco and Firearms and
30 The Customs Service;

31 (3) The United States Internal Revenue Service;

32 (4) The United States General Services Administration;

1 (5) The United States Postal Service; and

2 (6) all United States Marshals ~~Marshalls~~ or Deputy United
3 States Marshals ~~Marshalls~~ whose duties involve the enforcement
4 of federal criminal laws.

5 (Source: P.A. 88-677, eff. 12-15-94; revised 10-13-05.)

6 (720 ILCS 5/32-5.1) (from Ch. 38, par. 32-5.1)

7 Sec. 32-5.1. False Personation of a Peace Officer. A
8 person who knowingly and falsely represents himself or herself
9 to be a peace officer ~~of any jurisdiction~~ commits a Class 4
10 felony.

11 (Source: P.A. 85-741.)

12 (720 ILCS 5/32-5.1-1 new)

13 Sec. 32-5.1-1. False personation of a peace officer while
14 carrying a deadly weapon. A person who knowingly and falsely
15 represents himself or herself to be a peace officer while
16 carrying a deadly weapon commits a Class 3 felony.

17 (720 ILCS 5/32-5.2) (from Ch. 38, par. 32-5.2)

18 Sec. 32-5.2. Aggravated False Personation of a Peace
19 Officer. A person who knowingly and falsely represents himself
20 or herself to be a peace officer ~~of any jurisdiction~~ in
21 attempting or committing a felony commits a Class 2 ~~3~~ felony.

22 (Source: P.A. 85-741.)

23 (720 ILCS 5/32-5.4-1 new)

24 Sec. 32-5.4-1. False personation of a fire fighter while
25 carrying a deadly weapon. A person who knowingly and falsely
26 represents himself or herself to be a fire fighter while
27 carrying a deadly weapon commits a Class 3 felony.

28 (720 ILCS 5/32-5.5)

29 Sec. 32-5.5. Aggravated false personation of a fire
30 fighter. A person who knowingly and falsely represents himself
31 or herself to be a fire fighter ~~of any jurisdiction~~ in

1 attempting or committing a felony commits a Class 2 ~~3~~ felony.
2 (Source: P.A. 94-323, eff. 1-1-06.)

3 Section 10. The Illinois Vehicle Code is amended by
4 changing Section 12-215 as follows:

5 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

6 Sec. 12-215. Oscillating, rotating or flashing lights on
7 motor vehicles. Except as otherwise provided in this Code:

8 (a) The use of red or white oscillating, rotating or
9 flashing lights, whether lighted or unlighted, is prohibited
10 except on:

11 1. Law enforcement vehicles of State, Federal or local
12 authorities;

13 2. A vehicle operated by a police officer or county
14 coroner and designated or authorized by local authorities,
15 in writing, as a law enforcement vehicle; however, such
16 designation or authorization must be carried in the
17 vehicle;

18 2.1. A vehicle operated by a fire chief who has
19 completed an emergency vehicle operation training course
20 approved by the Office of the State Fire Marshal and
21 designated or authorized by local authorities, in writing,
22 as a fire department, fire protection district, or township
23 fire department vehicle; however, the designation or
24 authorization must be carried in the vehicle, and the
25 lights may be visible or activated only when responding to
26 a bona fide emergency;

27 3. Vehicles of local fire departments and State or
28 federal firefighting vehicles;

29 4. Vehicles which are designed and used exclusively as
30 ambulances or rescue vehicles; furthermore, such lights
31 shall not be lighted except when responding to an emergency
32 call for and while actually conveying the sick or injured;

33 5. Tow trucks licensed in a state that requires such
34 lights; furthermore, such lights shall not be lighted on

1 any such tow truck while the tow truck is operating in the
2 State of Illinois;

3 6. Vehicles of the Illinois Emergency Management
4 Agency, vehicles of the Illinois Department of Public
5 Health, and vehicles of the Department of Nuclear Safety;

6 7. Vehicles operated by a local or county emergency
7 management services agency as defined in the Illinois
8 Emergency Management Agency Act;

9 8. School buses operating alternately flashing head
10 lamps as permitted under Section 12-805 of this Code; and

11 9. Vehicles that are equipped and used exclusively as
12 organ transplant vehicles when used in combination with
13 blue oscillating, rotating, or flashing lights;
14 furthermore, these lights shall be lighted only when the
15 transportation is declared an emergency by a member of the
16 transplant team or a representative of the organ
17 procurement organization.

18 (b) The use of amber oscillating, rotating or flashing
19 lights, whether lighted or unlighted, is prohibited except on:

20 1. Second division vehicles designed and used for
21 towing or hoisting vehicles; furthermore, such lights
22 shall not be lighted except as required in this paragraph
23 1; such lights shall be lighted when such vehicles are
24 actually being used at the scene of an accident or
25 disablement; if the towing vehicle is equipped with a flat
26 bed that supports all wheels of the vehicle being
27 transported, the lights shall not be lighted while the
28 vehicle is engaged in towing on a highway; if the towing
29 vehicle is not equipped with a flat bed that supports all
30 wheels of a vehicle being transported, the lights shall be
31 lighted while the towing vehicle is engaged in towing on a
32 highway during all times when the use of headlights is
33 required under Section 12-201 of this Code;

34 2. Motor vehicles or equipment of the State of
35 Illinois, local authorities and contractors; furthermore,
36 such lights shall not be lighted except while such vehicles

1 are engaged in maintenance or construction operations
2 within the limits of construction projects;

3 3. Vehicles or equipment used by engineering or survey
4 crews; furthermore, such lights shall not be lighted except
5 while such vehicles are actually engaged in work on a
6 highway;

7 4. Vehicles of public utilities, municipalities, or
8 other construction, maintenance or automotive service
9 vehicles except that such lights shall be lighted only as a
10 means for indicating the presence of a vehicular traffic
11 hazard requiring unusual care in approaching, overtaking
12 or passing while such vehicles are engaged in maintenance,
13 service or construction on a highway;

14 5. Oversized vehicle or load; however, such lights
15 shall only be lighted when moving under permit issued by
16 the Department under Section 15-301 of this Code;

17 6. The front and rear of motorized equipment owned and
18 operated by the State of Illinois or any political
19 subdivision thereof, which is designed and used for removal
20 of snow and ice from highways;

21 (6.1) The front and rear of motorized equipment or
22 vehicles that (i) are not owned by the State of Illinois or
23 any political subdivision of the State, (ii) are designed
24 and used for removal of snow and ice from highways and
25 parking lots, and (iii) are equipped with a snow plow that
26 is 12 feet in width; these lights may not be lighted except
27 when the motorized equipment or vehicle is actually being
28 used for those purposes on behalf of a unit of government;

29 7. Fleet safety vehicles registered in another state,
30 furthermore, such lights shall not be lighted except as
31 provided for in Section 12-212 of this Code;

32 8. Such other vehicles as may be authorized by local
33 authorities;

34 9. Law enforcement vehicles of State or local
35 authorities when used in combination with red oscillating,
36 rotating or flashing lights;

1 9.5. Propane delivery trucks;

2 10. Vehicles used for collecting or delivering mail for
3 the United States Postal Service provided that such lights
4 shall not be lighted except when such vehicles are actually
5 being used for such purposes;

6 11. Any vehicle displaying a slow-moving vehicle
7 emblem as provided in Section 12-205.1;

8 12. All trucks equipped with self-compactors or
9 roll-off hoists and roll-on containers for garbage or
10 refuse hauling. Such lights shall not be lighted except
11 when such vehicles are actually being used for such
12 purposes;

13 13. Vehicles used by a security company, alarm
14 responder, or control agency;

15 14. Security vehicles of the Department of Human
16 Services; however, the lights shall not be lighted except
17 when being used for security related purposes under the
18 direction of the superintendent of the facility where the
19 vehicle is located; and

20 15. Vehicles of union representatives, except that the
21 lights shall be lighted only while the vehicle is within
22 the limits of a construction project.

23 (c) The use of blue oscillating, rotating or flashing
24 lights, whether lighted or unlighted, is prohibited except on:

25 1. Rescue squad vehicles not owned by a fire department
26 and vehicles owned or operated by a:

27 voluntary firefighter;

28 paid firefighter;

29 part-paid firefighter;

30 call firefighter;

31 member of the board of trustees of a fire
32 protection district;

33 paid or unpaid member of a rescue squad;

34 paid or unpaid member of a voluntary ambulance
35 unit; or

36 paid or unpaid members of a local or county

1 emergency management services agency as defined in the
2 Illinois Emergency Management Agency Act, designated
3 or authorized by local authorities, in writing, and
4 carrying that designation or authorization in the
5 vehicle.

6 However, such lights are not to be lighted except when
7 responding to a bona fide emergency.

8 Any person using these lights in accordance with this
9 subdivision (c)1 must carry on his or her person an
10 identification card or letter identifying the bona fide
11 member of a fire department, fire protection district,
12 rescue squad, ambulance unit, or emergency management
13 services agency that owns or operates that vehicle. The
14 card or letter must include:

15 (A) the name of the fire department, fire
16 protection district, rescue squad, ambulance unit, or
17 emergency management services agency;

18 (B) the member's position within the fire
19 department, fire protection district, rescue squad,
20 ambulance unit, or emergency management services
21 agency;

22 (C) the member's term of service; and

23 (D) the name of a person within the fire
24 department, fire protection district, rescue squad,
25 ambulance unit, or emergency management services
26 agency to contact to verify the information provided.

27 2. Police department vehicles in cities having a
28 population of 500,000 or more inhabitants.

29 3. Law enforcement vehicles of State or local
30 authorities when used in combination with red oscillating,
31 rotating or flashing lights.

32 4. Vehicles of local fire departments and State or
33 federal firefighting vehicles when used in combination
34 with red oscillating, rotating or flashing lights.

35 5. Vehicles which are designed and used exclusively as
36 ambulances or rescue vehicles when used in combination with

1 red oscillating, rotating or flashing lights; furthermore,
2 such lights shall not be lighted except when responding to
3 an emergency call.

4 6. Vehicles that are equipped and used exclusively as
5 organ transport vehicles when used in combination with red
6 oscillating, rotating, or flashing lights; furthermore,
7 these lights shall only be lighted when the transportation
8 is declared an emergency by a member of the transplant team
9 or a representative of the organ procurement organization.

10 7. Vehicles of the Illinois Emergency Management
11 Agency, vehicles of the Illinois Department of Public
12 Health, and vehicles of the Department of Nuclear Safety,
13 when used in combination with red oscillating, rotating, or
14 flashing lights.

15 8. Vehicles operated by a local or county emergency
16 management services agency as defined in the Illinois
17 Emergency Management Agency Act, when used in combination
18 with red oscillating, rotating, or flashing lights.

19 (c-1) In addition to the blue oscillating, rotating, or
20 flashing lights permitted under subsection (c), and
21 notwithstanding subsection (a), a vehicle operated by a
22 voluntary firefighter, a voluntary member of a rescue squad, or
23 a member of a voluntary ambulance unit may be equipped with
24 flashing white headlights and blue grill lights, which may be
25 used only in responding to an emergency call.

26 (c-2) In addition to the blue oscillating, rotating, or
27 flashing lights permitted under subsection (c), and
28 notwithstanding subsection (a), a vehicle operated by a paid or
29 unpaid member of a local or county emergency management
30 services agency as defined in the Illinois Emergency Management
31 Agency Act, may be equipped with white oscillating, rotating,
32 or flashing lights to be used in combination with blue
33 oscillating, rotating, or flashing lights, if authorization by
34 local authorities is in writing and carried in the vehicle.

35 (d) The use of a combination of amber and white
36 oscillating, rotating or flashing lights, whether lighted or

1 unlighted, is prohibited except motor vehicles or equipment of
2 the State of Illinois, local authorities, contractors, and
3 union representatives may be so equipped; furthermore, such
4 lights shall not be lighted on vehicles of the State of
5 Illinois, local authorities, and contractors except while such
6 vehicles are engaged in highway maintenance or construction
7 operations within the limits of highway construction projects,
8 and shall not be lighted on the vehicles of union
9 representatives except when those vehicles are within the
10 limits of a construction project.

11 (e) All oscillating, rotating or flashing lights referred
12 to in this Section shall be of sufficient intensity, when
13 illuminated, to be visible at 500 feet in normal sunlight.

14 (f) Nothing in this Section shall prohibit a manufacturer
15 of oscillating, rotating or flashing lights or his
16 representative from temporarily mounting such lights on a
17 vehicle for demonstration purposes only.

18 (g) Any person violating the provisions of subsections (a),
19 (b), (c) or (d) of this Section who without lawful authority
20 stops or detains or attempts to stop or detain another person
21 shall be guilty of a Class 2 4 felony.

22 (h) Except as provided in subsection (g) above, any person
23 violating the provisions of subsections (a) or (c) of this
24 Section shall be guilty of a Class A misdemeanor.

25 (Source: P.A. 93-181, eff. 1-1-04; 93-725, eff. 1-1-05; 93-794,
26 eff. 7-22-04; 93-829, eff. 7-28-04; 94-143, eff. 1-1-06;
27 94-270, eff. 1-1-06; 94-331, eff. 1-1-06; revised 8-19-05.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.