

SB1221



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1221

Introduced 2/18/2005, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-613 new
625 ILCS 5/12-715 rep.

Amends the Illinois Vehicle Code. Prohibits the possession and use of radar or laser jamming devices in all vehicles (rather than only in commercial vehicles). Provides that a vehicle or driver may not be stopped or searched solely on the basis of a violation or suspected violation of the provision. Repeals a provision prohibiting the possession and use of these devices in commercial vehicles.

LRB094 10047 DRH 40305 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 12-613 as follows:

6 (625 ILCS 5/12-613 new)

7 Sec. 12-613. Possession and use of radar or laser jamming
8 devices prohibited.

9 (a) Except as provided in subsection (b), a person may not
10 operate or be in actual physical control of a motor vehicle
11 while the motor vehicle is equipped with any instrument
12 designed to interfere with microwaves or lasers at frequencies
13 used by police radar for the purpose of monitoring vehicular
14 speed.

15 (b) A person operating a motor vehicle who possesses within
16 the vehicle a radar or laser jamming device that is contained
17 in a locked opaque box or similar container, or that is not in
18 the passenger compartment of the vehicle, and that is not in
19 operation, is not in violation of this Section.

20 (c) Any person found guilty of violating this Section is
21 guilty of a petty offense. A minimum fine of \$50 shall be
22 imposed for a first offense and a minimum fine of \$100 for a
23 second or subsequent offense.

24 (d) The radar or laser jamming device or mechanism shall be
25 seized by the law enforcement officer at the time of the
26 violation. This Section does not authorize the permanent
27 forfeiture to the State of any radar or laser jamming device or
28 mechanism. The device or mechanism shall be taken and held for
29 the period when needed as evidence. When no longer needed for
30 evidence, the defendant may petition the court for the return
31 of the device or mechanism. The defendant, however, must prove
32 to the court by a preponderance of the evidence that the device

1 or mechanism will be used only for a legitimate and lawful
2 purpose.

3 (d) A law enforcement officer may not stop or search any
4 motor vehicle or the driver of any motor vehicle solely on the
5 basis of a violation or suspected violation of this Section.

6 (625 ILCS 5/12-715 rep.)

7 Section 10. The Illinois Vehicle Code is amended by
8 repealing Section 12-715.