



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 427

2 AMENDMENT NO. _____. Amend House Bill 427 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 2-13 as follows:

6 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

7 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
8 person who by virtue of his office or public employment is
9 vested by law with a duty to maintain public order or to make
10 arrests for offenses, whether that duty extends to all offenses
11 or is limited to specific offenses, or (ii) any person who, by
12 statute, is granted and authorized to exercise powers similar
13 to those conferred upon any peace officer employed by a law
14 enforcement agency of this State.

15 For purposes of Sections concerning unlawful use of
16 weapons, for the purposes of assisting an Illinois peace

1 officer in an arrest, or when the commission of any offense
2 under Illinois law is directly observed by the person, and
3 statutes involving the false personation of a peace officer,
4 false personation of a peace officer while carrying a deadly
5 weapon, and aggravated false personation of a peace officer,
6 then officers, agents, or employees of the federal government
7 commissioned by federal statute to make arrests for violations
8 of federal criminal laws shall be considered "peace officers"
9 under this Code, including, but not limited to all criminal
10 investigators of:

11 (1) the United States Department of Justice, the
12 Federal Bureau of Investigation, the Drug Enforcement
13 Agency and the Department of Immigration and
14 Naturalization;

15 (2) the United States Department of the Treasury, the
16 Secret Service, the Bureau of Alcohol, Tobacco and Firearms
17 and the Customs Service;

18 (3) the United States Internal Revenue Service;

19 (4) the United States General Services Administration;

20 (5) the United States Postal Service;

21 (6) all United States Marshals or Deputy United States
22 Marshals whose duties involve the enforcement of federal
23 criminal laws; and

24 (7) the United States Department of Defense, ~~who have~~
25 ~~at least the minimum training prescribed by the Illinois~~
26 ~~Law Enforcement Training Standards Board for peace~~

1 ~~officers of units of local government.~~

2 (Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07; 95-24,
3 eff. 1-1-08; 95-331, eff. 8-21-07; 95-750, eff. 7-23-08.)

4 Section 10. 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 and
11 the District of Columbia.

12 (2) "Peace Officer" means any peace officer or member
13 of any duly organized State, County, or Municipal peace
14 unit, any police force of another State, the United States
15 Department of Defense ~~who has at least the minimum training~~
16 ~~prescribed by the Illinois Law Enforcement Training~~
17 ~~Standards Board for peace officers of units of local~~
18 ~~government~~, or any police force whose members, by statute,
19 are granted and authorized to exercise powers similar to
20 those conferred upon any peace officer employed by a law
21 enforcement agency of this State.

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

24 (4) "Law enforcement agency" means a municipal police

1 department or county sheriff's office of this State.

2 (a-3) Any peace officer employed by a law enforcement
3 agency of this State may conduct temporary questioning pursuant
4 to Section 107-14 of this Code and may make arrests in any
5 jurisdiction within this State: (1) if the officer is engaged
6 in the investigation of an offense that occurred in the
7 officer's primary jurisdiction and the temporary questioning
8 is conducted or the arrest is made pursuant to that
9 investigation; or (2) if the officer, while on duty as a peace
10 officer, becomes personally aware of the immediate commission
11 of a felony or misdemeanor violation of the laws of this State;
12 or (3) if the officer, while on duty as a peace officer, is
13 requested by an appropriate State or local law enforcement
14 official to render aid or assistance to the requesting law
15 enforcement agency that is outside the officer's primary
16 jurisdiction; or (4) in accordance with Section 2605-580 of the
17 Department of State Police Law of the Civil Administrative Code
18 of Illinois. While acting pursuant to this subsection, an
19 officer has the same authority as within his or her own
20 jurisdiction.

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

24 (b) Any peace officer of another State who enters this
25 State in fresh pursuit and continues within this State in fresh
26 pursuit of a person in order to arrest him on the ground that

1 he has committed an offense in the other State has the same
2 authority to arrest and hold the person in custody as peace
3 officers of this State have to arrest and hold a person in
4 custody on the ground that he has committed an offense in this
5 State.

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

17 (Source: P.A. 94-846, eff. 1-1-07; 95-423, eff. 8-24-07;
18 95-750, eff. 7-23-08.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."