



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0655

Introduced 2/6/2007, by Rep. Eddie Washington - Chapin Rose

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-1

from Ch. 38, par. 108-1

Amends the Code of Criminal Procedure of 1963. Provides that a motor vehicle, its contents, the driver, or any passenger of a motor vehicle stopped on the basis of a violation or suspected violation of the Illinois Vehicle Code or an inspection may not be subjected to an investigation or procedure involving a trained drug-detection dog or dog sniff unless there are specific and articulable facts that support a law enforcement officer's reasonable, articulable suspicion that illegal drugs are present in the motor vehicle or its contents or upon the person of the driver or any passenger of the motor vehicle.

LRB095 00174 RLC 20174 b

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 108-1 as follows:

6 (725 ILCS 5/108-1) (from Ch. 38, par. 108-1)

7 Sec. 108-1. Search without warrant.

8 (1) When a lawful arrest is effected a peace officer may
9 reasonably search the person arrested and the area within such
10 person's immediate presence for the purpose of:

11 (a) protecting the officer from attack; or

12 (b) preventing the person from escaping; or

13 (c) discovering the fruits of the crime; or

14 (d) discovering any instruments, articles, or things
15 which may have been used in the commission of, or which may
16 constitute evidence of, an offense.

17 (2) (Blank).

18 (3) A law enforcement officer may not search or inspect a
19 motor vehicle, its contents, the driver, or a passenger solely
20 because of a violation of Section 12-603.1 of the Illinois
21 Vehicle Code.

22 (4) A motor vehicle, its contents, the driver, or any
23 passenger of a motor vehicle stopped on the basis of a

1 violation or suspected violation of the Illinois Vehicle Code
2 or an inspection may not be subjected to an investigation or
3 procedure involving a trained drug-detection dog or dog sniff
4 unless there are specific and articulable facts that support a
5 law enforcement officer's reasonable, articulable suspicion
6 that illegal drugs are present in the motor vehicle or its
7 contents or upon the person of the driver or any passenger of
8 the motor vehicle.

9 (Source: P.A. 93-99, eff. 7-3-03.)