



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4139**

by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-5

from Ch. 38, par. 7-5

Amends the Criminal Code of 1961. Provides that it is unlawful for any governing body, State agency, county government, local municipality, or institute of higher learning that employs peace officers to prohibit a peace officer from carrying a firearm in the performance of his or her duties, unless the peace officer fails to qualify with the firearm, is declared unfit for duty, and is unable to be armed.

LRB095 13380 RLC 39049 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 Criminal Code of 1961 is amended by changing  
5 Section 7-5 as follows:

6 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

7 Sec. 7-5. Peace officer's use of force in making arrest.

8 (a) A peace officer, or any person whom he has summoned or  
9 directed to assist him, need not retreat or desist from efforts  
10 to make a lawful arrest because of resistance or threatened  
11 resistance to the arrest. He is justified in the use of any  
12 force which he reasonably believes to be necessary to effect  
13 the arrest and of any force which he reasonably believes to be  
14 necessary to defend himself or another from bodily harm while  
15 making the arrest. However, he is justified in using force  
16 likely to cause death or great bodily harm only when he  
17 reasonably believes that such force is necessary to prevent  
18 death or great bodily harm to himself or such other person, or  
19 when he reasonably believes both that:

20 (1) Such force is necessary to prevent the arrest from  
21 being defeated by resistance or escape; and

22 (2) The person to be arrested has committed or attempted a  
23 forcible felony which involves the infliction or threatened

1 infliction of great bodily harm or is attempting to escape by  
2 use of a deadly weapon, or otherwise indicates that he will  
3 endanger human life or inflict great bodily harm unless  
4 arrested without delay.

5 (b) A peace officer making an arrest pursuant to an invalid  
6 warrant is justified in the use of any force which he would be  
7 justified in using if the warrant were valid, unless he knows  
8 that the warrant is invalid.

9 (c) It is unlawful for any governing body, State agency,  
10 county government, local municipality, or institute of higher  
11 learning that employs peace officers to prohibit a peace  
12 officer from carrying a firearm in the performance of his or  
13 her duties, unless the peace officer fails to qualify with the  
14 firearm, is declared unfit for duty, and is unable to be armed.

15 (Source: P.A. 84-1426.)