



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5909

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-1

from Ch. 38, par. 31-1

Amends the Criminal Code of 1961. Provides that resisting or obstructing a firefighter is a Class A misdemeanor. Provides that if the violation was the proximate cause of an injury to the firefighter, the offender is guilty of a Class 4 felony. Provides that the court shall also sentence the offender to a minimum of 48 consecutive hours of imprisonment or to perform community service for not less than 100 hours as may be determined by the court. Provides that the person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

LRB095 17690 RLC 46282 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 31-1 as follows:

6 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

7 Sec. 31-1. Resisting or obstructing a peace officer,
8 firefighter, or correctional institution employee.

9 (a) A person who knowingly resists or obstructs the
10 performance by one known to the person to be a peace officer,
11 firefighter, or correctional institution employee of any
12 authorized act within his official capacity commits a Class A
13 misdemeanor.

14 (a-5) In addition to any other sentence that may be
15 imposed, a court shall order any person convicted of resisting
16 or obstructing a peace officer, firefighter, or correctional
17 institution employee to be sentenced to a minimum of 48
18 consecutive hours of imprisonment or ordered to perform
19 community service for not less than 100 hours as may be
20 determined by the court. The person shall not be eligible for
21 probation in order to reduce the sentence of imprisonment or
22 community service.

23 (a-7) A person convicted for a violation of this Section

1 whose violation was the proximate cause of an injury to a peace
2 officer, firefighter, or correctional institution employee is
3 guilty of a Class 4 felony.

4 (b) For purposes of this Section, "correctional
5 institution employee" means any person employed to supervise
6 and control inmates incarcerated in a penitentiary, State farm,
7 reformatory, prison, jail, house of correction, police
8 detention area, half-way house, or other institution or place
9 for the incarceration or custody of persons under sentence for
10 offenses or awaiting trial or sentence for offenses, under
11 arrest for an offense, a violation of probation, a violation of
12 parole, or a violation of mandatory supervised release, or
13 awaiting a bail setting hearing or preliminary hearing, or who
14 are sexually dangerous persons or who are sexually violent
15 persons; and "firefighter" means any individual, either as an
16 employee or volunteer, of a regularly constituted fire
17 department of a municipality or fire protection district who
18 performs fire fighting duties, including, but not limited to,
19 the fire chief, assistant fire chief, captain, engineer,
20 driver, ladder person, hose person, pipe person, and any other
21 member of a regularly constituted fire department.
22 "Firefighter" also means a person employed by the Office of the
23 State Fire Marshal to conduct arson investigations.

24 (Source: P.A. 92-841, eff. 8-22-02.)