

# SB2051



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2051

Introduced 2/7/2008, by Sen. Carole Pankau

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-13  
725 ILCS 5/107-4

from Ch. 38, par. 2-13  
from Ch. 38, par. 107-4

Amends the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. Defines "peace officer" for specified purposes to include a Department of Defense peace officer who has at least the minimum training prescribed by the Illinois Law Enforcement Training Standards Board for peace officers of units of local government. Effective July 1, 2008.

LRB095 17473 RLC 43546 b

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 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  
17 officer in an arrest, or when the commission of any offense  
18 under Illinois law is directly observed by the person, and  
19 statutes involving the false personation of a peace officer,  
20 false personation of a peace officer while carrying a deadly  
21 weapon, and aggravated false personation of a peace officer,  
22 then officers, agents, or employees of the federal government  
23 commissioned by federal statute to make arrests for violations

1 of federal criminal laws shall be considered "peace officers"  
2 under this Code, including, but not limited to all criminal  
3 investigators of:

4 (1) the United States Department of Justice, the  
5 Federal Bureau of Investigation, the Drug Enforcement  
6 Agency and the Department of Immigration and  
7 Naturalization;

8 (2) the United States Department of the Treasury, the  
9 Secret Service, the Bureau of Alcohol, Tobacco and Firearms  
10 and the Customs Service;

11 (3) the United States Internal Revenue Service;

12 (4) the United States General Services Administration;

13 (5) the United States Postal Service; ~~and~~

14 (6) all United States Marshals or Deputy United States  
15 Marshals whose duties involve the enforcement of federal  
16 criminal laws; and-

17 (7) Department of Defense peace officers who have at  
18 least the minimum training prescribed by the Illinois Law  
19 Enforcement Training Standards Board for peace officers of  
20 units of local government.

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

23 Section 10. The Code of Criminal Procedure of 1963 is  
24 amended by changing Section 107-4 as follows:

1 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)  
2 Sec. 107-4. Arrest by peace officer from other  
3 jurisdiction.

4 (a) As used in this Section:

5 (1) "State" means any State of the United States and  
6 the District of Columbia.

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

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

19 (4) "Law enforcement agency" means a municipal police  
20 department or county sheriff's office of this State.

21 (a-3) Any peace officer employed by a law enforcement  
22 agency of this State may conduct temporary questioning pursuant  
23 to Section 107-14 of this Code and may make arrests in any  
24 jurisdiction within this State: (1) if the officer is engaged  
25 in the investigation of an offense that occurred in the  
26 officer's primary jurisdiction and the temporary questioning

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

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

17 (b) Any peace officer of another State who enters this  
18 State in fresh pursuit and continues within this State in fresh  
19 pursuit of a person in order to arrest him on the ground that  
20 he has committed an offense in the other State has the same  
21 authority to arrest and hold the person in custody as peace  
22 officers of this State have to arrest and hold a person in  
23 custody on the ground that he has committed an offense in this  
24 State.

25 (c) If an arrest is made in this State by a peace officer  
26 of another State in accordance with the provisions of this

1 Section he shall without unnecessary delay take the person  
2 arrested before the circuit court of the county in which the  
3 arrest was made. Such court shall conduct a hearing for the  
4 purpose of determining the lawfulness of the arrest. If the  
5 court determines that the arrest was lawful it shall commit the  
6 person arrested, to await for a reasonable time the issuance of  
7 an extradition warrant by the Governor of this State, or admit  
8 him to bail for such purpose. If the court determines that the  
9 arrest was unlawful it shall discharge the person arrested.

10 (Source: P.A. 94-846, eff. 1-1-07; 95-423, eff. 8-24-07.)

11 Section 99. Effective date. This Act takes effect July 1,  
12 2008.