



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4969

Introduced 1/21/2010, by Rep. Keith Farnham

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-8

from Ch. 38, par. 108-8

Amends the Code of Criminal Procedure of 1963. Provides that all necessary and reasonable force may be used to execute a search warrant for the taking of blood, hair, or other materials from a person's body when the subject of the search warrant is resisting execution of the search warrant.

LRB096 17608 RLC 32965 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 108-8 as follows:

6 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

7 Sec. 108-8. Use of force in execution of search warrant.

8 (a) All necessary and reasonable force may be used to
9 effect an entry into any building or property or part thereof
10 to execute a search warrant.

11 (b) The court issuing a warrant may authorize the officer
12 executing the warrant to make entry without first knocking and
13 announcing his or her office if it finds, based upon a showing
14 of specific facts, the existence of the following exigent
15 circumstances:

16 (1) That the officer reasonably believes that if notice
17 were given a weapon would be used:

18 (i) against the officer executing the search
19 warrant; or

20 (ii) against another person.

21 (2) That if notice were given there is an imminent
22 "danger" that evidence will be destroyed.

23 (c) All necessary and reasonable force may be used to

1 execute a search warrant for the taking of blood, hair, or
2 other materials from a person's body when the subject of the
3 search warrant is resisting execution of the search warrant.

4 (Source: P.A. 92-502, eff. 12-19-01.)