

SB1852



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1852

Introduced 2/15/2013, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

725 ILCS 5/107-4

from Ch. 38, par. 107-4

Amends the Code of Criminal Procedure of 1963. Allows a peace officer to conduct temporary questioning or make an arrest outside of his or her jurisdiction, if the officer while on duty becomes aware (rather than current requirement of personally aware) of the immediate commission of a felony or misdemeanor violation of the laws of this State.

LRB098 04173 MRW 34196 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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 107-4 as follows:

6 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

7 Sec. 107-4. Arrest by peace officer from other
8 jurisdiction.

9 (a) As used in this Section:

10 (1) "State" means any State of the United States and
11 the District of Columbia.

12 (2) "Peace Officer" means any peace officer or member
13 of any duly organized State, County, or Municipal peace
14 unit, any police force of another State, the United States
15 Department of Defense, or any police force whose members,
16 by statute, are granted and authorized to exercise powers
17 similar to those conferred upon any peace officer employed
18 by a law enforcement agency of this State.

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

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

23 (a-3) Any peace officer employed by a law enforcement

1 agency of this State may conduct temporary questioning pursuant
2 to Section 107-14 of this Code and may make arrests in any
3 jurisdiction within this State: (1) if the officer is engaged
4 in the investigation of an offense that occurred in the
5 officer's primary jurisdiction and the temporary questioning
6 is conducted or the arrest is made pursuant to that
7 investigation; or (2) if the officer, while on duty as a peace
8 officer, becomes ~~personally~~ aware of the immediate commission
9 of a felony or misdemeanor violation of the laws of this State;
10 or (3) if the officer, while on duty as a peace officer, is
11 requested by an appropriate State or local law enforcement
12 official to render aid or assistance to the requesting law
13 enforcement agency that is outside the officer's primary
14 jurisdiction; or (4) in accordance with Section 2605-580 of the
15 Department of State Police Law of the Civil Administrative Code
16 of Illinois. While acting pursuant to this subsection, an
17 officer has the same authority as within his or her own
18 jurisdiction.

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

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

1 officers of this State have to arrest and hold a person in
2 custody on the ground that he has committed an offense in this
3 State.

4 (c) If an arrest is made in this State by a peace officer
5 of another State in accordance with the provisions of this
6 Section he shall without unnecessary delay take the person
7 arrested before the circuit court of the county in which the
8 arrest was made. Such court shall conduct a hearing for the
9 purpose of determining the lawfulness of the arrest. If the
10 court determines that the arrest was lawful it shall commit the
11 person arrested, to await for a reasonable time the issuance of
12 an extradition warrant by the Governor of this State, or admit
13 him to bail for such purpose. If the court determines that the
14 arrest was unlawful it shall discharge the person arrested.

15 (Source: P.A. 94-846, eff. 1-1-07; 95-423, eff. 8-24-07;
16 95-750, eff. 7-23-08; 95-1007, eff. 12-15-08.)