

HB3829



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3829

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-5

from Ch. 38, par. 7-5

Amends the Criminal Code of 2012. Provides that a peace officer may reasonably believe deadly force is necessary to prevent death or great bodily harm when a deadly weapon is being directed towards himself or herself or another person. Deletes provision from the peace officer's justified use of deadly force that the force is necessary to prevent the arrest from being defeated by resistance or escape.

LRB099 08922 RLC 29095 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 2012 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) (Blank); ~~Such force is necessary to prevent the arrest~~
21 ~~from being defeated by resistance or escape; and~~

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

1 threatened infliction of great bodily harm; ~~or~~

2 (3) the person is attempting to escape by use of a deadly
3 weapon; ~~or~~ or

4 (4) the person otherwise indicates that he will endanger
5 human life or inflict great bodily harm unless arrested without
6 delay.

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

11 (c) For the purposes of this Section, a peace officer may
12 reasonably believe deadly force is necessary to prevent death
13 or great bodily harm when a deadly weapon is being directed
14 towards himself or herself or another person.

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