



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4615

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

Creates the Peace Officer Motor Vehicle Pursuit Act. Provides that a peace officer is authorized to initiate a motor vehicle pursuit when the officer is able to articulate a reason to believe the occupant of a fleeing vehicle: (1) has committed or attempted to commit a forcible felony involving the infliction or threatened infliction of great bodily harm; (2) is attempting to escape by use of a deadly weapon or an object or device that the peace officer reasonably believes to be a deadly weapon; or (3) otherwise indicates he or she will endanger human life or inflict great bodily harm unless apprehended immediately. Provides that a peace officer engaged in a motor vehicle pursuit shall activate both the rotating or flashing lights and the siren of his or her police vehicle. Provides that a peace officer who is driving a police vehicle equipped with a video camera shall ensure the camera is activated at all times while engaged in a pursuit or fleeing and eluding incident. Provides for police officer pursuit training. Preempts home rule. Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that neither a local public entity nor a public employee is liable for an injury caused by a peace officer motor vehicle pursuit conducted in good faith under the requirements of the Peace Officer Motor Vehicle Pursuit Act, unless the pursuit was conducted by the peace officer in a willful and wanton manner. Amends the Department of State Police Law of the Civil Administrative Code of Illinois and the Illinois Police Training Act to make conforming changes. Effective January 1, 2017.

LRB099 15654 RLC 39949 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 WHEREAS, One of the prime objectives of peace officers is
3 to arrest violators of the law while preserving the life and
4 safety of the public and violators; and

5 WHEREAS, When a vehicle pursuit is necessary, peace
6 officers shall make maximum use of all available resources such
7 as air support, radio communications, and computer networks to
8 reduce the threat to the public and violators; therefore

9 **Be it enacted by the People of the State of Illinois,**
10 **represented in the General Assembly:**

11 Section 1. Short title. This Act may be cited as the Peace
12 Officer Motor Vehicle Pursuit Act.

13 Section 5. Definitions. As used in this Act:

14 "Deadly weapon" means a Category I or Category II weapon as
15 defined in subsection (c) of Section 33A-1 of the Criminal Code
16 of 2012.

17 "Forcible felony" has the meaning ascribed to it in Section
18 2-8 of the Criminal Code of 2012.

19 "Peace officer" has the meaning ascribed to it in Section
20 2-13 of the Criminal Code of 2012.

1 Section 10. Peace officer motor vehicle pursuit.

2 (a) A peace officer may initiate a motor vehicle pursuit
3 when the officer is able to articulate a reason to believe the
4 occupant of a fleeing vehicle:

5 (1) has committed or attempted to commit a forcible
6 felony involving the infliction or threatened infliction
7 of great bodily harm;

8 (2) is attempting to escape by use of a deadly weapon
9 or an object or device that the peace officer reasonably
10 believes to be a deadly weapon; or

11 (3) otherwise indicates he or she will endanger human
12 life or inflict great bodily harm unless apprehended
13 immediately.

14 (b) A peace officer engaged in a motor vehicle pursuit
15 shall:

16 (1) activate both the rotating or flashing lights and
17 the siren of his or her police vehicle;

18 (2) drive with due regard for the safety of others and
19 exercise due care;

20 (3) if driving a police vehicle equipped with a video
21 camera, ensure the camera is activated at all times while
22 engaged in a pursuit or fleeing and eluding incident; and

23 (4) immediately make use of a geographically
24 appropriate radio dispatch system, such as the Illinois
25 State Police Emergency Radio Network or a similar
26 multi-agency law enforcement radio communication system

1 serving the area.

2 (c) The Illinois Law Enforcement Training Standards Board
3 shall develop curriculum and approve training on driving
4 instruction for probationary and permanent police officers
5 that includes:

- 6 (1) crash avoidance methods;
- 7 (2) emergency response;
- 8 (3) precision driving; and
- 9 (4) pursuit techniques.

10 (d) The Illinois State Police Academy shall provide driving
11 instruction training for State troopers that includes:

- 12 (1) crash avoidance methods;
- 13 (2) emergency response;
- 14 (3) precision driving; and
- 15 (4) pursuit techniques.

16 (e) The Illinois State Police Academy and the Illinois Law
17 Enforcement Training Standards Board shall each separately
18 develop a model policy consistent with this Act.

19 Section 15. Home rule. A unit of local government,
20 including a home rule unit, may not regulate peace officer
21 motor vehicle pursuits in a manner inconsistent with the
22 regulation by the State of peace officer motor vehicle pursuits
23 under this Act. This Section is a limitation under subsection
24 (i) of Section 6 of Article VII of the Illinois Constitution on
25 the concurrent exercise by home rule units of powers and

1 functions exercised by the State.

2 Section 105. The Department of State Police Law of the
3 Civil Administrative Code of Illinois is amended by adding
4 Section 2605-98 as follows:

5 (20 ILCS 2605/2605-98 new)

6 Sec. 2605-98. Training; motor vehicle pursuits.

7 (a) The Illinois State Police Academy shall provide driving
8 instruction training for State troopers that includes:

9 (1) crash avoidance methods;

10 (2) emergency response;

11 (3) precision driving; and

12 (4) pursuit techniques.

13 (b) The Illinois State Police Academy shall develop a model
14 policy concerning driving instruction for State troopers
15 consistent with the Peace Officer Motor Vehicle Pursuit Act.

16 Section 110. The Illinois Police Training Act is amended by
17 changing Section 7.5 as follows:

18 (50 ILCS 705/7.5)

19 Sec. 7.5. Police pursuit guidelines and curriculum.

20 (a) The Board shall annually review police pursuit
21 procedures and make available suggested police pursuit
22 guidelines for law enforcement agencies. This Section does not

1 alter the effect of previously existing law, including the
2 immunities established under the Local Governmental and
3 Governmental Employees Tort Immunity Act.

4 (b) The Board shall develop curriculum and approve training
5 on driving instruction for probationary and permanent police
6 officers that includes:

7 (1) crash avoidance methods;

8 (2) emergency response;

9 (3) precision driving; and

10 (4) pursuit techniques.

11 (c) The Board shall develop a model policy concerning
12 driving instruction for probationary and permanent police
13 officers consistent with the Peace Officer Motor Vehicle
14 Pursuit Act.

15 (Source: P.A. 88-637, eff. 9-9-94.)

16 Section 115. The Local Governmental and Governmental
17 Employees Tort Immunity Act is amended by adding Section 4-108
18 as follows:

19 (745 ILCS 10/4-108 new)

20 Sec. 4-108. Peace officer motor vehicle pursuits. Neither a
21 local public entity nor a public employee is liable for an
22 injury caused by a peace officer motor vehicle pursuit
23 conducted in good faith under the requirements of the Peace
24 Officer Motor Vehicle Pursuit Act, unless the pursuit was

1 conducted by the peace officer in a willful and wanton manner.

2 Section 999. Effective date. This Act takes effect January
3 1, 2017.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 2605/2605-98 new

5 50 ILCS 705/7.5

6 745 ILCS 10/4-108 new