

HB5984



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5984

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

725 ILCS 5/111-2

from Ch. 38, par. 111-2

Amends the Code of Criminal Procedure of 1963. Provides that the use of grand juries are prohibited in cases where an accused peace officer's use of force in making an arrest led to a person's death.

LRB099 16388 SLF 40720 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 111-2 as follows:

6 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

7 Sec. 111-2. Commencement of prosecutions.

8 (a) All prosecutions of felonies shall be by information or
9 by indictment. No prosecution may be pursued by information
10 unless a preliminary hearing has been held or waived in
11 accordance with Section 109-3 and at that hearing probable
12 cause to believe the defendant committed an offense was found,
13 and the provisions of Section 109-3.1 of this Code have been
14 complied with.

15 (b) All other prosecutions may be by indictment,
16 information or complaint, except as provided in subsection
17 (b-5).

18 (b-5) A grand jury shall not inquire into an offense that
19 involves a shooting or use of excessive force by a peace
20 officer, as described in Section 7-5 of the Criminal Code of
21 2012, which leads to the death of a person who is being
22 detained or arrested.

23 (c) Upon the filing of an information or indictment in open

1 court charging the defendant with the commission of a sex
2 offense defined in any Section of Article 11 of the Criminal
3 Code of 1961 or the Criminal Code of 2012, and a minor as
4 defined in Section 1-3 of the Juvenile Court Act of 1987 is
5 alleged to be the victim of the commission of the acts of the
6 defendant in the commission of such offense, the court may
7 appoint a guardian ad litem for the minor as provided in
8 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
9 1987.

10 (d) Upon the filing of an information or indictment in open
11 court, the court shall immediately issue a warrant for the
12 arrest of each person charged with an offense directed to a
13 peace officer or some other person specifically named
14 commanding him to arrest such person.

15 (e) When the offense is bailable, the judge shall endorse
16 on the warrant the amount of bail required by the order of the
17 court, and if the court orders the process returnable
18 forthwith, the warrant shall require that the accused be
19 arrested and brought immediately into court.

20 (f) Where the prosecution of a felony is by information or
21 complaint after preliminary hearing, or after a waiver of
22 preliminary hearing in accordance with paragraph (a) of this
23 Section, such prosecution may be for all offenses, arising from
24 the same transaction or conduct of a defendant even though the
25 complaint or complaints filed at the preliminary hearing
26 charged only one or some of the offenses arising from that

1 transaction or conduct.

2 (Source: P.A. 97-1150, eff. 1-25-13.)