



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4488**

by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

New Act  
20 ILCS 2605/2605-98 new  
50 ILCS 705/7.5

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; (3) otherwise indicates he or she will endanger human life or inflict great bodily harm unless apprehended immediately; or (4) is or has committed the offense of aggravated fleeing or attempting to elude a peace officer. 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 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, 2019.

LRB100 16206 RLC 31329 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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

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

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

10 "Forcible felony" has the meaning ascribed to it in Section  
11 2-8 of the Criminal Code of 2012.

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

14 Section 10. Peace officer motor vehicle pursuit.

15 (a) A peace officer may initiate a motor vehicle pursuit  
16 when the officer is able to articulate a reason to believe the  
17 occupant of a fleeing vehicle:

18 (1) has committed or attempted to commit a forcible  
19 felony involving the infliction or threatened infliction  
20 of great bodily harm;

21 (2) is attempting to escape by use of a deadly weapon  
22 or an object or device that the peace officer reasonably

1 believes to be a deadly weapon;

2 (3) otherwise indicates he or she will endanger human  
3 life or inflict great bodily harm unless apprehended  
4 immediately; or

5 (4) is or has committed the offense of aggravated  
6 fleeing or attempting to elude a peace officer under  
7 Section 11-204.1 of the Illinois Vehicle Code or a similar  
8 provision of a local ordinance.

9 (b) A peace officer engaged in a motor vehicle pursuit  
10 shall:

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

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

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

18 (4) immediately make use of a geographically  
19 appropriate radio dispatch system, such as the Illinois  
20 State Police Emergency Radio Network or a similar  
21 multi-agency law enforcement radio communication system  
22 serving the area.

23 (c) The Illinois Law Enforcement Training Standards Board  
24 shall develop curriculum and approve training on driving  
25 instruction for probationary and permanent police officers  
26 that includes:

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

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

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

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

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

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

1 (20 ILCS 2605/2605-98 new)

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

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

5 (1) crash avoidance methods;

6 (2) emergency response;

7 (3) precision driving; and

8 (4) pursuit techniques.

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

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

14 (50 ILCS 705/7.5)

15 Sec. 7.5. Police pursuit guidelines and curriculum.

16 (a) The Board shall annually review police pursuit  
17 procedures and make available suggested police pursuit  
18 guidelines for law enforcement agencies. This Section does not  
19 alter the effect of previously existing law, including the  
20 immunities established under the Local Governmental and  
21 Governmental Employees Tort Immunity Act.

22 (b) The Board shall develop curriculum and approve training  
23 on driving instruction for probationary and permanent police

1 officers that includes:

2 (1) crash avoidance methods;

3 (2) emergency response;

4 (3) precision driving; and

5 (4) pursuit techniques.

6 (c) The Board shall develop a model policy concerning  
7 driving instruction for probationary and permanent police  
8 officers consistent with the Peace Officer Motor Vehicle  
9 Pursuit Act.

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

11 Section 999. Effective date. This Act takes effect January  
12 1, 2019.