

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 107-2 as follows:

6 (725 ILCS 5/107-2) (from Ch. 38, par. 107-2)

7 Sec. 107-2. Arrest by Peace Officer.

8 (1) A peace officer may arrest a person when:

9 (a) He has a warrant commanding that such person be
10 arrested; or

11 (b) He has reasonable grounds to believe that a warrant
12 for the person's arrest has been issued in this State or in
13 another jurisdiction; or

14 (c) He has reasonable grounds to believe that the
15 person is committing or has committed an offense.

16 (2) Whenever a peace officer arrests a person, the officer
17 shall question the arrestee as to whether he or she has any
18 children under the age of 18 living with him or her who may be
19 neglected as a result of the arrest or otherwise. The peace
20 officer shall assist the arrestee in the placement of the
21 children with a relative or other responsible person designated
22 by the arrestee. If the peace officer has reasonable cause to
23 believe that a child may be a neglected child as defined in the

1 Abused and Neglected Child Reporting Act, he shall report it
2 immediately to the Department of Children and Family Services
3 as provided in that Act.

4 (3) A peace officer who executes a warrant of arrest in
5 good faith beyond the geographical limitation of the warrant
6 shall not be liable for false arrest.

7 (4) Whenever a peace officer is aware of a warrant of
8 arrest issued by a circuit court of this State for a person and
9 the peace officer has contact with the person because the
10 person is requesting or receiving emergency medical assistance
11 or medical forensic services for sexual assault at a medical
12 facility, if the warrant of arrest is not for a forcible felony
13 as defined in Section 2-8 of the Criminal Code of 2012, a
14 violent crime as defined in subsection (c) of Section 3 of the
15 Rights of Crime Victims and Witnesses Act, or an alleged
16 violation of parole or mandatory supervised release, the peace
17 officer shall contact the prosecuting authority of the
18 jurisdiction issuing the warrant, or if that prosecutor is not
19 available, the prosecuting authority for the jurisdiction that
20 covers the medical facility to request waiver of the prompt
21 execution of the warrant. The prosecuting authority may secure
22 a court order waiving the immediate execution of the warrant
23 and provide a copy to the peace officer. As used in this
24 subsection (4), "sexual assault" means an act of sexual conduct
25 or sexual penetration defined in Section 11-0.1 of the Criminal
26 Code of 2012, including without limitation, acts prohibited

1 under Sections 11-1.20 through 11-1.60 of the Criminal Code of
2 2012.

3 (4.5) Whenever a peace officer has a warrant of arrest for
4 a person, subject to the same limitations described in
5 subsection (4), and the peace officer has contact with the
6 person because the person reported that he or she was sexually
7 assaulted within the past 7 days, in addition to informing the
8 person of his or her right to seek free medical attention and
9 evidence collection and providing the written notice required
10 by Section 25 of the Sexual Assault Incident Procedure Act, the
11 officer shall also notify the person that if he or she chooses
12 to go to a medical facility to seek any of those services, then
13 the officer shall inform the prosecuting authority to request
14 waiver of the prompt execution of the warrant.

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16 (Source: P.A. 97-333, eff. 8-12-11.)