



Sen. Jason A. Barickman

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10100HB0092sam002

LRB101 02986 RLC 60838 a

1 AMENDMENT TO HOUSE BILL 92

2 AMENDMENT NO. _____. Amend House Bill 92, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Criminal Procedure of 1963 is
6 amended by changing Section 107-2 as follows:

7 (725 ILCS 5/107-2) (from Ch. 38, par. 107-2)

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

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

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

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

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

1 (2) Whenever a peace officer arrests a person, the officer
2 shall question the arrestee as to whether he or she has any
3 children under the age of 18 living with him or her who may be
4 neglected as a result of the arrest or otherwise. The peace
5 officer shall assist the arrestee in the placement of the
6 children with a relative or other responsible person designated
7 by the arrestee. If the peace officer has reasonable cause to
8 believe that a child may be a neglected child as defined in the
9 Abused and Neglected Child Reporting Act, he shall report it
10 immediately to the Department of Children and Family Services
11 as provided in that Act.

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

15 (4) Whenever a peace officer is aware of a warrant of
16 arrest issued by a circuit court of this State for the person
17 and the peace officer has contact with the person because the
18 person is requesting or receiving emergency medical assistance
19 or medical forensic services for sexual assault at a medical
20 facility, if the warrant of arrest is not for a forcible felony
21 as defined in Section 2-8 of the Criminal Code of 2012, a
22 violent crime as defined in subsection (c) of Section 3 of the
23 Rights of Crime Victims and Witnesses Act, or an alleged
24 violation of parole or mandatory supervised release, the peace
25 officer shall contact the prosecuting authority of the
26 jurisdiction issuing the warrant, or if that prosecutor is not

1 available, the prosecuting authority for the jurisdiction that
2 covers the medical facility to request waiver of the prompt
3 execution of the warrant. The prosecuting authority may secure
4 a court order waiving the immediate execution of the warrant
5 and provide a copy to the peace officer. In this subsection
6 (4), "sexual assault" means an act of sexual conduct or sexual
7 penetration defined in Section 11-0.1 of the Criminal Code of
8 2012, including without limitation, acts prohibited under
9 Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.
10 (Source: P.A. 97-333, eff. 8-12-11.)".