



Rep. Dennis M. Reboletti

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LRB098 04173 MRW 45798 a

1 AMENDMENT TO SENATE BILL 1852

2 AMENDMENT NO. _____. Amend Senate Bill 1852 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 107-4 as follows:

6 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
7 Sec. 107-4. Arrest by peace officer from other
8 jurisdiction.

9 (a) As used in this Section:

10 (1) "State" means any State of the United States and
11 the District of Columbia.

12 (2) "Peace Officer" means any peace officer or member
13 of any duly organized State, County, or Municipal peace
14 unit, any police force of another State, the United States
15 Department of Defense, or any police force whose members,
16 by statute, are granted and authorized to exercise powers

1 similar to those conferred upon any peace officer employed
2 by a law enforcement agency of this State.

3 (3) "Fresh pursuit" means the immediate pursuit of a
4 person who is endeavoring to avoid arrest.

5 (4) "Law enforcement agency" means a municipal police
6 department or county sheriff's office of this State.

7 (a-3) Any peace officer employed by a law enforcement
8 agency of this State may conduct temporary questioning pursuant
9 to Section 107-14 of this Code and may make arrests in any
10 jurisdiction within this State: (1) if the officer is engaged
11 in the investigation of criminal activity ~~an offense~~ that
12 occurred in the officer's primary jurisdiction and the
13 temporary questioning or arrest relates to, arises from, or is
14 conducted ~~or the arrest is made~~ pursuant to that investigation;
15 or (2) if the officer, while on duty as a peace officer,
16 becomes personally aware of the immediate commission of a
17 felony or misdemeanor violation of the laws of this State; or
18 (3) if the officer, while on duty as a peace officer, is
19 requested by an appropriate State or local law enforcement
20 official to render aid or assistance to the requesting law
21 enforcement agency that is outside the officer's primary
22 jurisdiction; or (4) in accordance with Section 2605-580 of the
23 Department of State Police Law of the Civil Administrative Code
24 of Illinois. While acting pursuant to this subsection, an
25 officer has the same authority as within his or her own
26 jurisdiction.

1 (a-7) The law enforcement agency of the county or
2 municipality in which any arrest is made under this Section
3 shall be immediately notified of the arrest.

4 (b) Any peace officer of another State who enters this
5 State in fresh pursuit and continues within this State in fresh
6 pursuit of a person in order to arrest him on the ground that
7 he has committed an offense in the other State has the same
8 authority to arrest and hold the person in custody as peace
9 officers of this State have to arrest and hold a person in
10 custody on the ground that he has committed an offense in this
11 State.

12 (c) If an arrest is made in this State by a peace officer
13 of another State in accordance with the provisions of this
14 Section he shall without unnecessary delay take the person
15 arrested before the circuit court of the county in which the
16 arrest was made. Such court shall conduct a hearing for the
17 purpose of determining the lawfulness of the arrest. If the
18 court determines that the arrest was lawful it shall commit the
19 person arrested, to await for a reasonable time the issuance of
20 an extradition warrant by the Governor of this State, or admit
21 him to bail for such purpose. If the court determines that the
22 arrest was unlawful it shall discharge the person arrested.

23 (Source: P.A. 94-846, eff. 1-1-07; 95-423, eff. 8-24-07;
24 95-750, eff. 7-23-08; 95-1007, eff. 12-15-08.)".