



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4796

Introduced 2/18/2020, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

725 ILCS 5/103-3

from Ch. 38, par. 103-3

Amends the Code of Criminal Procedure of 1963. Provides that persons who are in police custody have the right to communicate free of charge with an attorney of their choice and family members as soon as possible, upon being taken into police custody, but no later than one hour after arrival at the first place of custody and before any questioning by law enforcement occurs. Persons in police custody must be given: (1) access to use a telephone via a land line or cellular phone to make at least 3 telephone calls; and (2) the ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory. Provides that notice of these rights must be posted in a conspicuous place at each place a person is in police custody. Provides that if the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. Provides that in the event a person who is in police custody is transferred to a new place of custody, his or her right to make at least 3 telephone calls within one hour after arrival is renewed. Provides that statements made by a person who is detained in police custody in violation of this provision are presumed inadmissible in court as evidence.

LRB101 19055 RLC 68515 b

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 103-3 as follows:

6 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

7 Sec. 103-3. Right to communicate with attorney and family;
8 transfers.

9 (a) (Blank). ~~Persons who are arrested shall have the right~~
10 ~~to communicate with an attorney of their choice and a member of~~
11 ~~their family by making a reasonable number of telephone calls~~
12 ~~or in any other reasonable manner. Such communication shall be~~
13 ~~permitted within a reasonable time after arrival at the first~~
14 ~~place of custody.~~

15 (a-5) Persons who are in police custody have the right to
16 communicate free of charge with an attorney of their choice and
17 members of their family as soon as possible upon being taken
18 into police custody, but no later than one hour after arrival
19 at the first place of custody and before any questioning by law
20 enforcement occurs. Persons in police custody must be given:

21 (1) access to use a telephone via a land line or
22 cellular phone to make at least 3 telephone calls; and

23 (2) the ability to retrieve phone numbers contained in

1 his or her contact list on his or her cellular phone prior
2 to the phone being placed into inventory.

3 (a-10) Pursuant to Section 103-7, at every facility where a
4 person is in police custody a sign containing, at minimum, the
5 following information in bold block type must be posted in a
6 conspicuous place:

7 (1) A short statement notifying persons who are in
8 police custody of their right to have access to a phone
9 within one hour after being taken into police custody.

10 (2) Persons who are in police custody have the right to
11 make up to 3 phone calls within one hour after being taken
12 into custody, at no charge.

13 (a-15) In addition to the information listed in subsection
14 (a-10), if the place of custody is located in a jurisdiction
15 where the court has appointed the public defender or other
16 attorney to represent persons who are in police custody, the
17 telephone number to the public defender or appointed attorney's
18 office must also be displayed. The telephone call to the public
19 defender or other attorney must not be monitored, eavesdropped
20 upon, or recorded.

21 (b) (Blank).

22 (c) In the event a person who is in police custody is
23 transferred to a new place of custody, his or her right to make
24 at least 3 telephone calls within one hour after arrival is
25 renewed.

26 (d) Statements made by a person who is detained in police

1 custody in violation of this Section are presumed inadmissible
2 in court as evidence. The presumption of inadmissibility may be
3 overcome by a preponderance of the evidence that law
4 enforcement did not knowingly prevent (either by action or
5 inaction) or delay a person's right to communicate under this
6 Section, based on the totality of the circumstances.

7 (e) In this Section "custody" means the restriction of a
8 person's freedom of movement by a law enforcement officer's
9 exercise of his or her lawful authority ~~In the event the~~
10 ~~accused is transferred to a new place of custody his right to~~
11 ~~communicate with an attorney and a member of his family is~~
12 ~~renewed.~~

13 (Source: Laws 1963, p. 2836.)