

HB2779



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2779

Introduced 2/19/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-1

from Ch. 38, par. 108-1

Amends the Code of Criminal Procedure of 1963. Provides that a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because the driver or passenger consented to the search. Provides conditions where a law enforcement officer may carry out these inspections.

LRB102 16824 KMF 22228 b

A BILL FOR

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 108-1 as follows:

6 (725 ILCS 5/108-1) (from Ch. 38, par. 108-1)

7 Sec. 108-1. Search without warrant.

8 (1) When a lawful arrest is effected a peace officer may
9 reasonably search the person arrested and the area within such
10 person's immediate presence for the purpose of:

11 (a) protecting the officer from attack; or

12 (b) preventing the person from escaping; or

13 (c) discovering the fruits of the crime; or

14 (d) discovering any instruments, articles, or things
15 which may have been used in the commission of, or which may
16 constitute evidence of, an offense.

17 (2) (Blank).

18 (3) A law enforcement officer may not search or inspect a
19 motor vehicle, its contents, the driver, or a passenger solely
20 because of a violation of Section 12-603.1 of the Illinois
21 Vehicle Code.

22 (4) A law enforcement officer may not search or inspect a
23 motor vehicle, its contents, the driver, or a passenger solely

1 because the driver or passenger consented to the search. A law
2 enforcement officer may only search or inspect a motor
3 vehicle, its contents, the driver, or a passenger:

4 (a) under a warrant for that search issued under this
5 Article;

6 (b) under the conditions described in subsection (1)
7 of this Section; or

8 (c) if the law enforcement officer has probable cause
9 that an offense or ordinance violation has been committed
10 by the driver or passenger.

11 (Source: P.A. 93-99, eff. 7-3-03.)