

SB3821



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3821

Introduced 1/21/2022, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-204
625 ILCS 5/11-204.1

from Ch. 95 1/2, par. 11-204
from Ch. 95 1/2, par. 11-204.1

Amends the Illinois Vehicle Code. Provides that fleeing or attempting to elude a peace officer while in a stolen vehicle is a Class 4 felony, and a third or subsequent violation of fleeing or attempting to elude a peace officer while in a stolen vehicle is a Class 2 felony. Provides that aggravated fleeing or attempting to elude a peace officer while in a stolen vehicle is a Class 3 felony, and that a second or subsequent violation of aggravated fleeing or attempting to elude a peace officer while in a stolen vehicle is a Class 1 felony. Effective immediately.

LRB102 24419 RAM 33653 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-204 and 11-204.1 as follows:

6 (625 ILCS 5/11-204) (from Ch. 95 1/2, par. 11-204)

7 Sec. 11-204. Fleeing or attempting to elude a peace
8 officer.

9 (a) Any driver or operator of a motor vehicle who, having
10 been given a visual or audible signal by a peace officer
11 directing such driver or operator to bring his vehicle to a
12 stop, wilfully fails or refuses to obey such direction,
13 increases his speed, extinguishes his lights, or otherwise
14 flees or attempts to elude the officer, is guilty of a Class A
15 misdemeanor. The signal given by the peace officer may be by
16 hand, voice, siren, red or blue light. Provided, the officer
17 giving such signal shall be in police uniform, and, if driving
18 a vehicle, such vehicle shall display illuminated oscillating,
19 rotating or flashing red or blue lights which when used in
20 conjunction with an audible horn or siren would indicate the
21 vehicle to be an official police vehicle. Such requirement
22 shall not preclude the use of amber or white oscillating,
23 rotating or flashing lights in conjunction with red or blue

1 oscillating, rotating or flashing lights as required in
2 Section 12-215 of Chapter 12.

3 (a-5) A violation of subsection (a) while in a stolen
4 vehicle is a Class 4 felony.

5 (b) Upon receiving notice of such conviction the Secretary
6 of State shall suspend the drivers license of the person so
7 convicted for a period of not more than 6 months for a first
8 conviction and not more than 12 months for a second
9 conviction.

10 (c) A third or subsequent violation of this Section is a
11 Class 4 felony. A third or subsequent violation of subsection
12 (a-5) is a Class 2 felony.

13 (Source: P.A. 93-120, eff. 1-1-04.)

14 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

15 Sec. 11-204.1. Aggravated fleeing or attempting to elude a
16 peace officer.

17 (a) The offense of aggravated fleeing or attempting to
18 elude a peace officer is committed by any driver or operator of
19 a motor vehicle who flees or attempts to elude a peace officer,
20 after being given a visual or audible signal by a peace officer
21 in the manner prescribed in subsection (a) of Section 11-204
22 of this Code, and such flight or attempt to elude:

23 (1) is at a rate of speed at least 21 miles per hour
24 over the legal speed limit;

25 (2) causes bodily injury to any individual;

- 1 (3) causes damage in excess of \$300 to property;
- 2 (4) involves disobedience of 2 or more official
3 traffic control devices; or
- 4 (5) involves the concealing or altering of the
5 vehicle's registration plate or digital registration
6 plate.

7 (b) Any person convicted of a first violation of this
8 Section shall be guilty of a Class 4 felony. Upon notice of
9 such a conviction the Secretary of State shall forthwith
10 revoke the driver's license of the person so convicted, as
11 provided in Section 6-205 of this Code. Any person convicted
12 of a second or subsequent violation of this Section shall be
13 guilty of a Class 3 felony, and upon notice of such a
14 conviction the Secretary of State shall forthwith revoke the
15 driver's license of the person convicted, as provided in
16 Section 6-205 of the Code. A person convicted of a violation of
17 subsection (a) while in a stolen vehicle is guilty of a Class 3
18 felony. A person convicted of a second or subsequent violation
19 of subsection (a) while in a stolen vehicle is guilty of a
20 Class 1 felony.

21 (c) The motor vehicle used in a violation of this Section
22 is subject to seizure and forfeiture as provided in Sections
23 36-1 and 36-2 of the Criminal Code of 2012.

24 (Source: P.A. 101-395, eff. 8-16-19.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.