



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB5599**

by Rep. Monique D. Davis

#### 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 without probable cause may not: (1) conduct a roadside check of a motor vehicle; (2) randomly search or inspect a motor vehicle, its contents, the driver, or a passenger for contraband or for a violation of the Illinois Vehicle Code or a provision of a local ordinance; or (3) impound a motor vehicle. Provides that any item seized in violation of this provision is inadmissible as evidence in any criminal or civil trial or hearing and any arrest or citation issued in violation of this provision is invalid.

LRB099 19899 RLC 44298 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 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 without probable cause may  
23 not:

- 1           (a) conduct a roadside check of a motor vehicle;  
2           (b) randomly search or inspect a motor vehicle, its  
3           contents, the driver, or a passenger for contraband or for  
4           a violation of the Illinois Vehicle Code or a provision of  
5           a local ordinance; or  
6           (c) impound a motor vehicle.

7           Any item seized in violation of this subsection (4) is  
8           inadmissible as evidence in any criminal or civil trial or  
9           hearing and any arrest or citation issued in violation of this  
10          subsection (4) is invalid.

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