

1 AN ACT in relation to 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 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  
11 and the District of Columbia.

12 (2) "Peace Officer" means any peace officer or  
13 member of any duly organized State, County, or Municipal  
14 peace unit or police force of another State.

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

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

20 (a-3) Any peace officer employed by a law enforcement  
21 agency of this State may conduct temporary questioning  
22 pursuant to Section 107-14 of this Code and may make arrests  
23 in any jurisdiction within this State if: (1) the officer is  
24 engaged in the investigation of an offense that occurred in  
25 the officer's primary jurisdiction and the temporary  
26 questioning is conducted or the arrest is made pursuant to  
27 that investigation; or (2) the officer, while on duty as a  
28 peace officer, becomes personally aware of the immediate  
29 commission of a felony or misdemeanor violation of the laws  
30 of this State; or (3) the officer, while on duty as a peace  
31 officer, is requested by an appropriate State or local law

1 enforcement official to render aid or assistance to the  
2 requesting law enforcement agency that is outside the  
3 officer's primary jurisdiction. While acting pursuant to this  
4 subsection, an officer has the same authority as within his  
5 or her own jurisdiction.

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

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

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

29 (Source: P.A. 90-593, eff. 6-19-98; 91-319, eff. 7-29-99.)