

# LAW UPDATE

*2016/2017*



## ILLINOIS SECRETARY OF STATE DEPARTMENT OF POLICE

Division of Administration  
Training Section

Sydney Roberts  
Director

## 2016/2017 Law Update for Law Enforcement

### **Please Note:**

**This training outline is written for a law enforcement audience. It does not contain every law change made during the 99th Session of the Illinois General Assembly. .**

**Errors and/or omissions may exist in this document. Readers are urged to review entire sections of law prior to taking enforcement action. Original source information can be found at the following Internet website:**

[www.ilga.gov](http://www.ilga.gov)

*“This site contains provisions of the Illinois Compiled Statutes from databases that were created for the use of the members and staff of the Illinois General Assembly. The provisions have NOT been edited for publication, and are NOT in any sense the "official" text of the Illinois Compiled Statutes as enacted into law. The accuracy of any specific provision originating from this site cannot be assured, and you are urged to consult the official documents or contact legal counsel of your choice. This site should not be cited as an official or authoritative source. Court decisions may affect the interpretation and constitutionality of statutes.”*

**2016/2017 Law Update for Law Enforcement**

**Table of Contents**

	<b>Illinois Vehicle Code</b>	
625 ILCS 5/1-100	Glider Kits	5
625 ILCS 5/1-105.2a	Auto Transporter Length	5
625 ILCS 5/1-126.1	Public School Highways	6
625 ILCS 5/1-218.10	Video Event Recorder	7
625 ILCS 5/2-115	SOS Capitol Police Inv.	7
625 ILCS 5/3-414	Reg. Expiration - Birthday	8
625 ILCS 5/3-506	Spouse - Military Plates	8
625 ILCS 5/3-634	Firefighter Plates	9
625 ILCS 5/3-661	Rt. 66 Motorcycle Plates	9
625 ILCS 5/3-697	CPD Memorial MC Plates	9
625 ILCS 5/3-707	No Insurance - Petty Off.	9
625 ILCS 5/3-802	Reclass Fee	10
625 ILCS 5/3-808.1	Certificate of Title/Reg.	10
625 ILCS 5/5-101.2	Manufactured Home - Dealer License	11
625 ILCS 5/6-103	Driver's License / ID Card	11
625 ILCS 5/8-101	Contract Carrier - Insurance	12
625 ILCS 5/11-208.7	Relocation Towing	12
625 ILCS 5/11-701	Disabled Vehicles	14
625 ILCS 5/11-1201	Rail Signal Crossings	15
625 ILCS 5/11-1414.1	Driving Hours Violation	15
625 ILCS 5/11-1502	Bicycles - Right of Way	15
625 ILCS 5/12-208	Blue Dot Tail Lights	16
625 ILCS 5/12-707.01	Liability Insurance - School Bus	16
	<b>Illinois Criminal Code</b>	
720 ILCS 5/3-5	Limitation - Theft - Exploit Eder	17
720 ILCS 5/12-0.1	EMS Definition	17
720 ILCS 5/12-5.02	State Police Citations	18
720 ILCS 5/16-3	Theft - Rental Property	18
720 ILCS 5/17-2	False Personation	18
720 ILCS 5/21-1	Property Damage Threshold	19
720 ILCS 5/24-3B	Firearms Trafficking	19
720 ILCS 550/12	Cannabis / Controlled Sub.	21

## 2016/2017 Law Update for Law Enforcement

720 ILCS 570/401	Bath Salts Prohibition Act	21
720 ILCS 675/1.5	Alternative Nicotine Product	22
	<b>Other Illinois Statutes</b>	
NEW ACT	Citizens Privacy Protection Act	22
NEW ACT	Police Dog Retirement	23
NEW ACT	Criminal Sentencing Impact	23
15 ILCS 335/1A	DCFS Youth ID	24
15 ILCS 335/4A-1	Autism Wallet Card	24
15 ILCS 335/5	SOS Veteran ID and License	24
15 ILCS 335/15	SOS- Miscellaneous Bill	25
20 ILCS 2605/2605-53	Sexual Assault Incident	25
20 ILCS 2610/40	Epinephrine Auto Injectors	26
20 ILCS 2610/40	Disposal of Meds of Deceased	27
20 ILCS 2630/5.2	Cannabis Penalties	27
30 ILCS 105/5.875	Special Plate - Monarch	28
55 ILCS 5/3-4006	Juvenile - Counsel Representation	29
105 ILCS 5/27-24.2	Driver Ed - Traffic Stop - Police	30
430 ILCS 65/4	FOID - Revoke - O.O.P.	30
510 ILCS 70/3.01	Animal Abuse - Exposure	30
515 ILCS 5/10-150	Fishing Limits-Private Prop.	31
705 ILCS 405/5-915	Juvenile Court - Expungement	31
725 ILCS 5/110-9	Bail Accepting Cash	31
725 ILCS 5-115-9.2	Currency Evidence	32
725 ILCS 5/115-10	Intellect Disability	32
725 ILCS 120/3	Civil Law - Tech	33
725 ILCS 202/15	Sex Assault DNA Testing	33
725 ILCS 168/10	Surveillance - Location Auth	34
725 ILCS 5/112A-27	Domestic Violence - Police Training	35
770 ILCS 45/1.5	Community Instruments	35
815 ILCS 505/2L	Consumer Fraud - Used Vehicles	36

## **Illinois Vehicle Code**

“VEHICLE CODE-GLIDER KIT”

**625 ILCS 5/1-100, 118, 123.8 (new), 3-107, 406**

**Effective Date: 08/05/2016**

**Public Act: 99-0748**

**Synopsis:**

Amends the Illinois Vehicle Code. Provides that an "essential part" does not include an engine, transmission, or a rear axle that is used in a glider kit. Defines "glider kit". Provides that an owner of a glider kit who wishes to have the vehicle titled or registered as a glider kit shall submit an application to be inspected by the Secretary of State Department of Police. Upon successful completion of the inspection, provides the method of title or registration for the glider kit.

**Excerpt from the Public Act not necessary.**

“Vehicle Code - Auto Transporter Length”

**625 ILCS 5/1-105.2a (new), 625 ILCS 5/1-105.7 (new), 625 ILCS 5/1-198, 625 ILCS 5/1-212, 625 ILCS 5/15-107, 625 ILCS 5/1-112.8 (new), 625 ILCS 5/1-205.02 (new), 625 ILCS 5/1-209.1 (new), 625 ILCS 5/15-101, 625 ILCS 5/15-111, 625 ILCS 5/15-112, 625 ILCS 5/15-301, 625 ILCS 5/15-308.3**

**Effective Date: 08/05/16**

**Public Act: 99-0717**

**Synopsis:**

Amends the Illinois Vehicle Code. Provides a definition for "automobile transporter" and "backhaul". Amends the definition for "stinger-steered semitrailer" and "truck tractor". Provides that the length of a stinger-steered semitrailer specifically designed to transport motor vehicles or an automobile transporter cannot exceed 80 feet (rather than 75 feet), with an overhang of less than 4 feet (rather than 3 feet) and a rear overhang of less than 6 feet (rather than 4 feet). Provides an automobile transporter of these lengths can also be used when transporting other cargo or general freight on a backhaul.

Further amends the Illinois Vehicle Code. Defines "covered heavy duty tow and recovery vehicle", "towaway trailer transporter combination", and "trailer transporter towing unit". Provides the Code Chapter governing weight of vehicles applies to fire apparatus, but maintains the fire apparatus Code exemption for size and load. Provides on Class I and Class II highways that: (1) a truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not

## 2016/2017 Law Update for Law Enforcement

exceed 97 feet overall dimension (rather than 75 feet) and (2) a towaway trailer transporter combination may not exceed 82 feet overall dimension. Provides towaway trailer transporter combinations, with no overall length limitations, with certain exceptions, have unlimited access to points of loading, unloading, or delivery to or from a manufacturer, distributor, or dealer. Exempts from the Code's general wheel and axle load and gross weight formula: (1) a covered heavy duty tow and recovery vehicle, (2) a vehicle or combination of vehicles that uses natural gas or propane gas as a motor fuel may exceed the Code's weight limitations by up to 2,000 pounds on all highways (rather than providing an exception for interstate highways), (3) an emergency vehicle that is a vehicle designed to be used under emergency conditions to transport personnel and equipment, and used to support the suppression of fires and mitigation of other hazardous situations, may not exceed 86,000 pounds gross weight, or any of the following weight allowances: (i) 24,000 pounds on a single steering axle; (ii) 33,500 pounds on a single drive axle; (iii) 62,000 pounds on a tandem axle; or (iv) 52,000 pounds on a tandem rear drive steer axle, and (4) a bus, motor coach, or recreational vehicle may carry a total weight of 24,000 pounds on a single axle, but may not exceed other weight provisions of the Code. Provides the covered heavy duty tow and recovery vehicle license plate must cover the operating empty weight of the covered heavy duty tow and recovery vehicle only. Provides the total allowance for vehicles that uses natural gas or propane gas as a motor fuel is calculated by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas or propane gas tank and fueling system carried by the vehicle, and the weight of a comparable diesel tank and fueling system. Provides a vehicle with a fully functional APU shall be allowed an additional 550 pounds (rather than 400 pounds) or the certified unit weight, whichever is less. Relocates a provision allowing a State or local agency to authorize the issuance of excess size or weight permits for vehicles and loads, involving the transporting of fluid milk products, that are divisible and that can be carried, when divided, within the existing size or weight maximum specified in the Code; but removes the limitations on the permit that a single axle may not exceed 20,000 pounds, a gross weight may not exceed 80,000 pounds, the permit issued by the State does not apply to interstate highways, and that all road and bridge postings must be obeyed. Repeals provision setting the fee for special permits to transport raw milk at \$12.50 per quarter and \$50 annually.

**Excerpt from the Public Act not necessary.**

### "VEH CD-PUBLIC SCHOOL HIGHWAYS"

#### **625 ILCS 5/1-126.1, 11-1414**

**Effective Date: 1/1/2017**

**Public Act: 99-0740**

#### **Synopsis:**

Requires a vehicle to stop before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils.

## 2016/2017 Law Update for Law Enforcement

11-1414 (a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils.

### “Vehicle Code - Video Event Recorder”

#### **625 ILCS 5/1-218.10 (new), 625 ILCS 5/12-604.1 625 ILCS 5/12-604.3 (new)**

**Effective Date: 01/01/17**

**Public Act: 99-0689**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that a person may operate a video event recorder in a contract carrier vehicle. Provides that a contract carrier vehicle carrying passengers that is equipped with a video event recorder shall have a notice posted in a visible location stating that a passenger's conversation may be recorded. Provides that any data recorded by a video event recorder shall be the sole property of the registered owner or lessee of the contract carrier vehicle. Defines "video event recorder".

**Excerpt from the Public Act not necessary.**

### “Vehicle Code - SOS Capitol Police Investigator- Age”

#### **625 ILCS 5/2-115**

**Effective Date: 01/01/17**

**Public Act: 99-0896**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that the Secretary of State may not retain a person employed in the title of Capitol Police Investigator and who began employment on or after January 1, 2011 in service as an investigator after he or she has reached 65 years of age (rather than the current 60 years of age limit for Illinois Vehicle Code investigators of the Secretary of State).

**Excerpt from the Public Act not necessary.**

## 2016/2017 Law Update for Law Enforcement

### "Vehicle Code - Registration Expiration - Birthday"

#### **625 ILCS 5/3-414**

**Effective Date: 01/01/17**

**Public Act: 99-0644**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Allows the Secretary of State to require an owner of a motor vehicle of the first division or a motor vehicle of the second division weighing not more than 8,000 pounds to select his or her birthday as the motor vehicle's registration expiration date. Provides that if the motor vehicle has more than one registered owner, the owners may select one registered owner's birthday as the date of registration expiration. Provides the Secretary of State may adopt any rules the Secretary deems necessary.

**Excerpt from the Public Act not necessary.**

### "Vehicle Code - SPOUSE MILITARY PLATES"

#### **625 ILCS 5/3-506**

**Effective Date: 01/1/2017**

**Public Act: 99-0805**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Allows the spouse of a deceased military service member who was issued military oriented special plates to retain the plates so long as that spouse is a resident of Illinois and transfers the registration to his or her name within 180 days of the death of the service member. Defines the term, "service member".

Sec. 3-506. Transfer of plates to spouses of military service members. Upon the death of a military service member who has been issued special plates under Section 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, or 3-699.12 of this Code, the surviving spouse of that service member may retain the plate so long as that spouse is a resident of Illinois and transfers the registration to his or her name within 180 days of the death of the service member.

For the purposes of this Section, "service member" means any individual who is serving or has served in any branch of the United States Armed Forces, including the National Guard or other reserve components of the Armed Forces, and has been issued a special plate listed in this Section.

## 2016/2017 Law Update for Law Enforcement

### "Vehicle Code -FIRE FIGHTER PLATES"

#### **625 ILCS 5/3-634**

**Effective Date: 01/1/2017**

**Public Act: 99-0812**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that a motorcycle having an engine over 150cc shall be able to affix the special registration plate designated to be an Illinois Fire Fighters' Memorial license plate.

**Excerpt from the Public Act not necessary.**

### "Vehicle Code - Route 66 Motorcycle Plate"

#### **625 ILCS 5/3-661**

**Effective Date: 01/01/17**

**Public Act: 99-0865**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that Illinois Route 66 license plates can be affixed to motorcycles having an engine over 150cc.

**Excerpt from the Public Act not necessary.**

### "Vehicle Code - CPD Memorial Motorcycle Plate"

#### **625 ILCS 5/3-697**

**Effective Date: 01/01/17**

**Public Act: 99-0815**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Requires the Secretary of State to make a version of the Chicago Police Memorial Foundation license plate in a form appropriate for motorcycles.

**Excerpt from the Public Act not necessary.**

### "Vehicle Code - No Insurance - Petty Offense"

#### **625 ILCS 5/3-707**

**Effective Date: 01/01/17**

**Public Act: 99-0610**

## 2016/2017 Law Update for Law Enforcement

### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that a person convicted of operating a motor vehicle without an insurance policy shall be guilty of a petty offense (rather than a business offense), unless the person has been convicted of this same offense 3 or more times.

**Excerpt from the Public Act not necessary.**

### “Vehicle Code - ReClass Fee- Specified Plates”

#### **625 ILCS 5/3-802**

**Effective Date: 01/1/2016**

**Public Act: 99-0809**

### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that beginning with the 2018 registration year, any individual who has registration issued for certain vehicles and qualifies for a special license plate under certain specified Sections of the Code may reclass his or her registration upon acquiring a specified special license plate without a replacement plate fee or registration sticker cost.

(b-5) Beginning with the 2018 registration year, any individual who has a registration issued under either Section 3-405 or 3-405.1 that qualifies for a special license plate under Sections 3-609, 3-609.1, 3-620, 3-623, 3-624, 3-625, 3-626, 3-638, 3-645, 3-647, 3-650, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-683, 3-686, or 3-693 may reclass his or her registration upon acquiring a special license plate listed in this subsection (b-5) without a replacement plate fee or registration sticker cost.

### “Vehicle Code - Certificate of Title and Registration Fee”

#### **625 ILCS 5/3-808.1, 625 ILCS 5/3-806.3**

**Effective Date: 07/29/16**

**Public Act: 99-0707**

### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that beginning with the 2017 registration year, permanent vehicle registration plates shall be issued, for a one time fee of \$8.00, to vehicles that do not require a school bus driver permit to operate, and are owned by a public school district from grades K-12 or a public community college. Provides that beginning with the 2017 registration year, permanent vehicle registration plates shall be issued, for a one time fee of \$8.00, to vehicles of the first division or vehicles of the second division weighing not more than 8,000 pounds that are owned by a medical facility or hospital of a municipality, county, or township.

## 2016/2017 Law Update for Law Enforcement

Adds a Section concerning the registration fee paid by a vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief Act. Provides that any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief Act, or a person who is the spouse of such a person, shall not be required to pay specified surcharges that would otherwise be collected in addition to the vehicle registration fee.

**Excerpt from the Public Act not necessary.**

“Vehicle Code - Manufactured Home- Dealer’s License”

**625 ILCS 5/5-101.2 new, 625 ILCS 5/5-401.2**

**Effective Date: 07/22/16**

**Public Act: 99-0593**

**Synopsis:**

Amends the Illinois Vehicle Code. Requires dealers of manufactured homes and community-based manufactured homes to be licensed in this State for the purpose of selling manufactured homes or park models. Provides that an application for a manufactured home dealer's license or a community-based manufactured home dealer's license shall be filed with the Secretary of State, duly verified by oath on a form prescribed by the Secretary, and shall contain certain required information concerning the dealer's business and the fees to be paid for the license. Requires the Secretary to grant the manufactured home or community-based manufactured home dealer's license in writing within a reasonable period of time after receipt of the application for the license, if the license application meets the proper requirements. Provides that the instrument evidencing the license, or a certified copy of the instrument, shall be posted in the established place of business of the dealer. Provides that dealer's licenses shall expire on December 31 of the calendar year for which they are granted, unless sooner revoked or cancelled. Defines "community-based manufactured home dealer", "established place of business", "manufactured home", "manufactured home dealer", "park model", and "supplemental license".

**Excerpt from the Public Act not necessary.**

“Driver’s License/ID Card”

**625 ILCS 5/6-103, 625 ILCS 5/6-106, 15 ILCS 335/2, 15**

**ILCS 335/5, 15 ILCS 335/8**

**Effective Date: 01/01/17**

**Public Act: 99-0511**

**Synopsis:**

Amends the Illinois Identification Card Act. Provides that beginning July 1, 2017, the Secretary of State shall refuse to issue any identification card to any person who has been issued a driver's license under the Illinois Vehicle Code. Provides that any person may surrender his or her driver's

## 2016/2017 Law Update for Law Enforcement

license in order to become eligible to obtain an identification card. Provides that beginning July 1, 2017, all applicants for standard Illinois Identification Cards and Illinois Person with a Disability Identification Cards shall provide proof of lawful status in the United States. Provides that applicants who are unable to provide the Secretary with proof of lawful status are ineligible for identification cards. Provides further criteria for the expiration of Illinois Identification Cards and Illinois Person with a Disability Identification Cards. Amends the Illinois Vehicle Code to make similar changes concerning Illinois driver's licenses, except that driver's license applicants who are unable to provide proof of lawful status in the United States may apply for a temporary visitor's driver's license.

**Excerpt from the Public Act not necessary.**

### "Vehicle Code - Contract Carrier- Insurance"

#### **625 ILCS 5/8-101**

**Effective Date: 08/12/17**

**Public Act: 99-0799**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that beginning January 1, 2017, a contract carrier transporting employees, including but not limited to railroad employees, is required to verify hit and run and uninsured motor vehicle coverage and underinsured motor vehicle coverage in an amount not less than \$500,000 (rather than \$250,000) per passenger.

**Excerpt from the Public Act not necessary.**

### "Relocation Towing Licensure Commission Act"

#### **625 ILCS 5/11-208.7, 625 ILCS 5/11-1431**

**Effective Date: 08/19/16**

**Public Act: 99-0848**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that if an administrative hearing officer finds that a county or municipality that impounds a vehicle exceeded its authority under the Illinois Vehicle Code (rather than the administrative hearing officer finding no probable cause for vehicle impoundment), the county or municipality shall be liable to the registered owner or lessee of the vehicle for the cost of storage fees and reasonable attorney's fees. Removes limitation on regulation of fees by home rule unit. Provides that a vehicle owner, or his or her authorized agent or automobile insurer, may bring a claim against a company or person who willfully and materially violates the Section concerning solicitations at accident or disablement scenes and a court may award the prevailing party reasonable attorney's fees, costs, and expenses (rather than a vehicle owner bringing a claim against a commercial vehicle safety relocater). Removes changes to parking or standing prohibitions. Removes provision requiring the final invoice (rather than the final estimate or invoice) a commercial vehicle safety relocater provides upon demand to a

## 2016/2017 Law Update for Law Enforcement

vehicle owner or operator of a relocated damaged or disabled vehicle to accurately record in writing all items set forth in the Section concerning disclosures to vehicle owners or operations.

### Excerpt from the Public Act:

(625 ILCS 5/11-1431)

Sec. 11-1431. Solicitations at accident or disablement scene prohibited.

(a) A tower, as defined by Section 1-205.2 of this Code, or an employee or agent of a tower may not: (i) stop at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle for the purpose of soliciting the owner or operator of the damaged or disabled vehicle to enter into a towing service transaction; or (ii) stop at the scene of an accident or at or

near a damaged or disabled vehicle unless called to the location by a law enforcement officer, the Illinois Department of Transportation, the Illinois State Toll Highway Authority, a local agency having jurisdiction over the highway, or the owner or operator of the damaged or disabled vehicle, or the owner or operator's authorized agent, including his or her insurer or motor club of which the owner or operator is a member. This Section shall not apply to employees of the Department, the Illinois State Toll Highway Authority, or local agencies when engaged in their official duties. Nothing in this Section shall prevent a tower from stopping at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle if the owner or operator signals the tower for assistance from the location of the motor vehicle accident or damaged or disabled vehicle.

(b) A person or company who violates this Section is guilty of a Class 4 felony business offense and shall be required to pay a fine of more than \$500, but not more than \$1,000. A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3 month suspension, the person's driver's license, permit, or privileges shall not be reinstated until he or she has paid a reinstatement fee of \$100. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (b), his or her driver's license, permit, or

privileges shall be suspended for an additional 6 months, and shall not be reinstated after the expiration of the 6 month

## 2016/2017 Law Update for Law Enforcement

suspension until he or she pays a reinstatement fee of \$100. A vehicle owner, or his or her authorized agent or automobile insurer, may bring a claim against a company or person who willfully and materially violates this Section. A court may award the prevailing party reasonable attorney's fees, costs, and expenses relating to that action.

### "Vehicle Code - Disabled Vehicles"

#### **625 ILCS 5/11-701, 625 ILCS 5/11-907.5 (new)**

**Effective Date: 01/01/17**

**Public Act: 99-0681**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that a driver of a vehicle approaching a disabled vehicle with lighted hazard lights on a highway of at least 4 lanes, of which at least 2 are proceeding in the same direction, shall, proceeding with due caution, make a lane change into a lane not adjacent to the disabled vehicle or, if changing lanes would be impossible or unsafe, reduce the speed of the vehicle and maintain a safe speed for the road conditions. A violation of the Section shall be a petty offense

#### **Excerpt from the Public Act:**

(625 ILCS 5/11-907.5 new)

Sec. 11-907.5. Approaching disabled vehicles.

(a) Upon approaching a disabled vehicle with lighted hazard lights on a highway having at least 4 lanes, of which at least 2 are proceeding in the same direction, a driver of a vehicle shall:

(1) proceeding with due caution, make a lane change into a lane not adjacent to that disabled vehicle, if possible with due regard to safety and traffic conditions;

or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(b) A person who violates subsection (a) of this Section commits a petty offense.

## 2016/2017 Law Update for Law Enforcement

### "Vehicle Code - Rail Signal Crossing"

#### **625 ILCS 5/11-1201**

**Effective Date: 01/01/17**

**Public Act: 99-0663**

**Synopsis:**

Amends the Illinois Vehicle Code. Provides that a driver of a vehicle that approaches a railroad grade crossing under circumstances in which a stop is required and does not stop within 50 feet but not less than 15 feet from the nearest rail, commits a petty offense for which a \$500 fine (previously \$250) shall be imposed for the first violation and a \$1,000 fine (previously \$500) shall be imposed for any subsequent violations.

**Excerpt from the Public Act not necessary.**

### "Vehicle Code - Driving Hours Violation"

#### **625 ILCS 11-1414.1**

**Effective Date: 01/01/17**

**Public Act: 99-0888**

**Synopsis:**

Amends the Illinois Vehicle Code. Provides that a student in grades K through 12 with an Individualized Education Plan with a staff to student ratio of 1 to 5 and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, or New Horizon Academy may be transported in a multi-function school activity bus for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home.

**Excerpt from the Public Act not necessary.**

### "BICYCLES-RIGHT OF WAY"

#### **625 ILCS 5/11-1502**

**Effective Date: 08/12/2016**

**Public Act: 99-0785**

**Synopsis:**

Amends the Illinois Vehicle Code. Clarifies that a person riding a bicycle has all the rights applicable to a driver of a vehicle, including those regarding a vehicle's right-of-way under the Code.

Sec. 11-1502. Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a highway shall be

## 2016/2017 Law Update for Law Enforcement

granted all of the rights, including, but not limited to, rights under Article IX of this Chapter, and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except as to special regulations in this Article XV and except as to those provisions of this Code which by their nature can have no application.

### “Vehicle Code - Blue Dot Tail Lights”

#### **625 ILCS 5/12-208**

**Effective Date: 01/01/17**

**Public Act: 99-0598**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that motorcycles may be equipped with a blue light or lights located on the rear of the motorcycle as a part of the motorcycle's rear stop lamp or lamps

**Excerpt from the Public Act not necessary.**

### “Liability Insurance- School Bus”

#### **625 ILCS 5/12-707.01**

**Effective Date: 01/01/17**

**Public Act: 99-0595**

#### **Synopsis:**

Amends the Illinois Vehicle Code. Provides that the minimum amount of \$2,000,000 of liability insurance required for a vehicle with a school bus driver permit may be satisfied by either (i) a \$2 million combined single limit primary commercial automobile policy; or (ii) a \$1 million primary commercial automobile policy and a minimum \$5 million excess or umbrella liability policy. Provides that excess or umbrella liability coverage requirements may be met by securing surplus line insurance. Provides that if the excess or umbrella liability coverage requirement is met by securing surplus line insurance, that coverage must be effected through a licensed surplus line producer acting under the surplus line insurance laws and regulations of this State. Provides that nothing shall be construed as prohibiting a licensed and admitted insurance carrier, an intergovernmental cooperative, or a certified self-insurer from retaining risk or issuing a single primary policy meeting the requirements under certain provisions. Provides that each owner of a vehicle required to obtain the minimum liability requirements under certain provisions shall attest that the vehicle meets the minimum insurance requirements. Provides that the Secretary of State shall create a form for each owner of a vehicle to attest that the owner meets the minimum insurance requirements and the owner of the vehicle shall submit the form with each registration application. Provides that the form shall be valid for the full registration period, but if at any time the Secretary has reason to believe that the owner does not have the minimum required amount of insurance for a vehicle, the Secretary may require a certificate of insurance, or its equivalent, to ensure the vehicle is insured. Provides that if the owner fails to produce a certificate of insurance, or its equivalent, within 2 calendar days after the request was made, then the

## 2016/2017 Law Update for Law Enforcement

Secretary may revoke the vehicle owner's registration until the Secretary is assured the vehicle meets the minimum insurance requirements. Provides that if the owner of a vehicle participates in an intergovernmental cooperative or is self-insured, then the owner shall attest that the insurance is equivalent to or greater than the insurance required under certain provisions. Allows the Secretary to adopt any rules necessary to enforce certain specified provisions.

**Excerpt from the Public Act not necessary.**

## Illinois Criminal Code

"Limitation - Theft - Exploit Elder"

**720 ILCS 5/3-5, 720 ILCS 5/3-6**

**Effective Date: 08/15/16**

**Public Act: 99-0820**

**Synopsis:**

Amends the Criminal Code of 2012. Provides that a prosecution for theft of property (rather than involving real property) exceeding \$100,000 in value or financial exploitation of an elderly person or a person with a disability may be commenced within 7 years of the last act committed in furtherance of the crime.

**Excerpt from the Public Act not necessary.**

"Criminal Code - EMS - Definition"

**720 ILCS 5/12-0.1, 720 ILCS 5/12-2, 720 ILCS 5/12-3.05**

**720 ILCS 5/24-1.2, 720 ILCS 5/24-1.2-5**

**Effective Date: 08/15/16**

**Public Act: 99-0816**

**Synopsis:**

Amends the Criminal Code of 2012. Redefines various statutes concerning bodily harm directed against emergency medical services personnel. Changes various references from "emergency medical technician" to "emergency medical services personnel" in the Bodily Harm and Deadly Weapons Article of the Code.

Provides that "emergency medical services personnel" includes all ambulance crew members, including drivers or pilots.

**Excerpt from the Public Act not necessary.**

## 2016/2017 Law Update for Law Enforcement

### "State Police Citations"

#### **720 ILCS 5/12-5.02**

**Effective Date: 01/01/17**

**Public Act: 99-0656**

#### **Synopsis:**

Amends the Criminal Code of 2012. Provides that the offense of vehicular endangerment includes striking a motor vehicle by causing an object to fall from an overpass or other elevated location above or adjacent to and above a highway (rather than just an overpass) in the direction of a moving motor vehicle with the intent to strike a motor vehicle while it is traveling upon a highway in this State.

#### **Excerpt from the Public Act:**

(c) Definitions. For purposes of this Section:

"Elevated location" means a bridge, overpass, highway ramp, building, artificial structure, hill, mound, or natural elevation above or adjacent to and above a highway.

### "Criminal Code - Theft Rental Property

#### **720 ILCS 5/16-3**

**Effective Date: 01/01/17**

**Public Act: 99-0534**

#### **Synopsis:**

Amends the Criminal Code of 2012. Includes in the theft of rental property renting or leasing equipment exceeding \$500 in value including tools, construction or industry equipment, and such items as linens, tableware, tents, tables, chairs and other equipment specially rented for a party or special event. Allows the trier of fact to infer evidence that the person is without good cause for failure to return the property if the person signs the agreement with a name or address other than his or her own. Provides that in addition to any other penalty imposed, the court may order a person convicted of the offense to make restitution to the victim of the offense.

**Excerpt from the Public Act not necessary.**

### "Criminal Code - False Personation"

#### **720 ILCS 5/17-2**

**Effective Date: 07/15/16**

**Public Act: 99-0561**

## 2016/2017 Law Update for Law Enforcement

### **Synopsis:**

Provides that a person also commits a false personation when he or she knowingly and falsely represents himself or herself to be: (1) an active-duty member of the Armed Services or Reserve Forces of the United States or the National Guard or a veteran of the Armed Services or Reserve Forces of the United States or the National Guard; and (2) obtains money, property, or another tangible benefit through that false representation. Provides that a violation is a petty offense for which the offender shall be fined at least \$100 and not more than \$200.

**Excerpt from the Public Act not necessary.**

### “Criminal Code Property Damage Threshold”

#### **720 ILCS 5/21-1, 720 ILCS 5/21-1.2, 720 ILCS 5/21-1.3**

**Effective Date: 01/01/17**

**Public Act: 99-0631**

### **Synopsis:**

Amends the Criminal Code of 2012. For the offenses of criminal damage to property, institutional vandalism, and criminal defacement of property, increases the threshold amount of the damage to property from exceeding \$300 to exceeding \$500 in which the offense is enhanced from a misdemeanor to a felony or in which the offense is enhanced to a higher class of felony.

**Excerpt from the Public Act not necessary.**

### “Criminal Code - Firearms Trafficking”

#### **720 ILCS 5/24-3B (new), 730 ILCS 5/5-5-3**

**Effective Date: 08/23/16**

**Public Act: 99-0885**

### **Synopsis:**

Amends the Criminal Code of 2012. Creates the offense of firearms trafficking. Provides that a person commits the offense when he or she has not been issued a currently valid Firearm Owner's Identification Card and knowingly brings, or causes to be brought, into the State, a firearm or firearm ammunition, or both, for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person. Provides that firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years. Provides that firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony. Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed when the person has been found guilty of firearms trafficking involving both a firearm and firearm ammunition. Provides that the court shall sentence the offender to not less than the minimum term of imprisonment for the offense.

## 2016/2017 Law Update for Law Enforcement

Provides that the offense of firearms trafficking does not apply to: (1) a person exempt under the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition; (2) a common carrier under the exemption from unlawful use of weapons violations under the Criminal Code of 2012; or (3) a non-resident who may lawfully possess a firearm in his or her resident state.

### Excerpt from the Public Act:

(720 ILCS 5/24-3B new)

Sec. 24-3B. Firearms trafficking.

(a) A person commits firearms trafficking when he or she has not been issued a currently valid Firearm Owner's Identification Card and knowingly:

(1) brings, or causes to be brought, into this State, a firearm or firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person; or

(2) brings, or causes to be brought, into this State, a firearm and firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm and firearm ammunition to any other person.

(a-5) This Section does not apply to:

(1) a person exempt under Section 2 of the Firearm having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition;

(2) a common carrier under subsection (i) of Section 24-2 of this Code; or

(3) a non-resident who may lawfully possess a firearm in his or her resident state.

(b) Sentence.

(1) Firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years.

(2) Firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony.

## 2016/2017 Law Update for Law Enforcement

### "Cannabis / Controlled Substance"

**720 ILCS 550/12, 720 ILCS 570/505, 720 ILCS 646/85**

**725 ILCS 175/5**

**Effective Date: 07/29/16**

**Public Act: 99-0686**

#### **Synopsis:**

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Narcotics Profit Forfeiture Act. Provides that all moneys and the sale proceeds of all other property forfeited and seized under these Acts may be used for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

**Excerpt from the Public Act not necessary.**

### "Bath Salts Prohibition Act"

**720 ILCS 570/401**

**Effective Date: 01/01/17**

**Public Act: 99-0585**

#### **Synopsis:**

Creates the Bath Salts Prohibition Act. Provides that a person may not sell or offer for sale any bath salts in a retail mercantile establishment located within this State. Provides that a violation is a Class 3 felony for which a fine not exceeding \$150,000 may be imposed. Provides that in addition to any other penalty that may be imposed for a violation of the Act, the unit of local government that issued a retailer's license for the retail mercantile establishment whose merchant violated the Act may revoke the retailer's license of that retail mercantile establishment. Defines "bath salts" as any synthetic or natural material containing any quantity of a cathinone chemical structure, including any analogs, salts, isomers, or salts of isomers of any synthetic or natural material containing a cathinone chemical structure. Provides that this includes, but is not limited to, synthetic cathinones as defined in the Illinois Controlled Substances Act, and any related "controlled substance analog" as defined in the Illinois Controlled Substances Act, regardless of how the product is labeled or marketed. Amends the Illinois Controlled Substances Act. Exempts from a violation of knowingly manufacturing or delivering, or possessing with intent to manufacture or deliver, a controlled substance, the sale or offering for sale of bath salts in a retail mercantile establishment.

Provides that the unit of local government that issued the retailer's license for the retail mercantile establishment whose merchants violated the Bath Salts Prohibition Act may revoke the retailer's license of that retail mercantile establishment upon conviction for a violation of the Act.

**Excerpt from the Public Act not necessary.**

## 2016/2017 Law Update for Law Enforcement

### "Alternative Nicotine Product"

#### **720 ILCS 675/1.5, 720 ILCS 675/2**

**Effective Date: 06/01/16**

**Public Act: 99-0496**

#### **Synopsis:**

Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Makes technical changes concerning the penalties for violations concerning the selling, offering for sale, giving, or furnishing alternative nicotine products to persons under 18 years of age. Changes the fines for second or subsequent violations of a minor possessing an alternative nicotine product. Excludes reporting possession violations to the Department of Revenue. Provides that the distribution of moneys collected as fines for these violations shall be distributed in the following manner: (1) one-half of each fine shall be distributed to the unit of local government or other entity that successfully prosecuted the offender; and (2) one-half shall be remitted to the State to be used for enforcing the Act.

**Excerpt from the Public Act not necessary.**

## **Other Illinois Statutes**

### "Cell Site Simulator Device Use"

#### **NEW ACT - Citizen Privacy Protection Act**

**Effective Date: 01/01/17**

**Public Act: 99-0622**

#### **Synopsis:**

Creates the Citizen Privacy Protection Act. Provides that if the cell site simulator device is used to locate or track a known communications device, all non-target data must be deleted as soon as reasonably practicable, but no later than once every 24 hours. Provides that if the cell site simulator device is used to identify an unknown communications device, all non-target data must be deleted as soon as reasonably practicable, but no later than within 72 hours of the time that the unknown communications device is identified, absent a court order preserving the non-target data and directing that it be filed under seal with the court. Provides that the court may retain data obtained from a non-target communications device under a court order showing good cause for no longer than the period required under Supreme Court Rules. Provides that the law enforcement agency is prohibited from accessing data obtained from a non-target communications device for the purpose of any investigation not authorized by the original warrant. Provides that a court order issued may be sealed upon a showing of need, but for no more than 180 days, with any extensions to be granted upon a certification that an investigation remains active or a showing of exceptional circumstances.

Provides that the law enforcement agency is prohibited from accessing data obtained from a non-target communications device for the purpose of any investigation not authorized by the original court order (rather than warrant).

## 2016/2017 Law Update for Law Enforcement

**Excerpt from the Public Act not necessary.**

“Police Dog Retirement”

### **Police Dog Retirement Act - New Act**

**Effective Date: 01/01/17**

**Public Act: 99-0817**

**Synopsis:**

Creates the Police Dog Retirement Act. Provides that a police dog, which is deemed no longer fit for public service, may be offered by the county, municipality, or State law enforcement agency to the officer or employee who had custody and control of the animal during its service. If the officer or employee does not wish to keep the dog, it may be offered to another officer or employee in the agency, or to a non-profit organization or a no-kill animal shelter that may facilitate an appropriate adoption of the dog.

**Excerpt from the Public Act not necessary.**

“Criminal Sentencing Impact Note”

### **Criminal Diversion Racial Impact Data Collection Act - new**

**Effective Date: 01/01/17**

**Public Act: 99-0666**

**Synopsis:**

Creates the Criminal Diversion Racial Impact Data Collection Act. Requires that, in accordance with reporting guidelines for law enforcement agencies under the Criminal Identification Act, the Illinois Criminal Justice Information Authority shall report the number of persons arrested and released without charging, and the racial and ethnic composition of those persons. Requires that, in accordance with reporting guidelines for State's Attorneys under the Criminal Identification Act, the Authority shall report the number of persons for which formal charges were dismissed, and the racial and ethnic composition of those persons. Requires that, in accordance with reporting guidelines for circuit court clerks under the Criminal Identification Act, the Authority shall determine and report the number of persons admitted to a diversion from prosecution program, and the racial and ethnic composition of those persons, separated by each type of diversion program. Provides that the Authority shall publish information received and an assessment of the quality of that information under the Act every calendar year. Provides that the Authority, Department of State Police, Administrative Office of Illinois Courts, and Illinois State's Attorneys Association may collaborate on any necessary training concerning the provisions of the Act. Contains legislative findings. Defines required terms. Provides for a repeal date of the Act on December 31, 2020. Effective January 1, 2017

**Excerpt from the Public Act not necessary.**

## 2016/2017 Law Update for Law Enforcement

### "DCFS Youth ID Cards"

#### **15 ILCS 335/1A, 15 ILCS 335/12**

**Effective Date: 07/28/16**

**Public Act: 99-0659**

#### **Synopsis:**

Amends the Illinois Identification Card Act. Provides that for the application for the first Illinois Identification Card of a youth for whom the Department of Children and Family Services is legally responsible for or foster child to be issued at no fee, the youth must submit an affirmation by his or her court appointed attorney or an employee of the Department of Children and Family Services (rather than only an affirmation from an employee of the Department of Children and Family Services) on a form provided by the Secretary of State, that the person is a youth for whom the Department of Children and Family Services is legally responsible for or a foster child.

**Excerpt from the Public Act not necessary.**

### "DHS - Autism Wallet Card"

#### **15 ILCS 335/4A-1 (new)**

**Effective Date: 01/01/17**

**Public Act: 99-0829**

#### **Synopsis:**

Amends the Illinois Identification Card Act. Provides that upon approval an applicant's Illinois Person with a Disability Identification Card, the Secretary of State shall inform the applicant of the availability of a Person with a Disability Wallet Card that specifies that the cardholder has been medically diagnosed with a disability, and shall provide that Wallet Card upon the applicant's request. Provides that the Wallet Card may only be available to applicants with a Type Two or Type Five Disability. Provides that the Department of Human Services shall design the Wallet Card in consultation with the Secretary of State, after which, the Department of Human Services shall produce and distribute the cards to the Secretary of State. Provides that the Secretary of State shall work with the Department of Human Services to adopt rules in the administration of the Wallet Card. Provides legislative findings and intent.

**Excerpt from the Public Act not necessary.**

### "SOS - Veteran ID and License"

#### **15 ILCS 335/5, 625 ILCS 5/6-106**

**Effective Date: 07:15:16**

**Public Act: 99-0544**

#### **Synopsis:**

## 2016/2017 Law Update for Law Enforcement

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Illinois Department of Veterans' Affairs shall advise the Secretary of State as to what other forms of proof of a person's status as a veteran are acceptable. Allows the issuance of an identification card or a driver's license with a veteran designation to a member of the armed forces, including a member of any reserve component or National Guard unit, regardless of whether he or she served on active duty. Makes conforming changes.

**Excerpt from the Public Act not necessary.**

"SOS - Miscellaneous Bill"

**15 ILCS 335/12, 625 ILCS 5/3-821, 625 ILCS 5/6-206,  
625 ILCS 5/6-507, 625 ILCS 5/6-208.1**

**Effective Date: 07/22/16**

**Public Act: 99-0607**

### **Synopsis:**

Amends the Illinois Identification Card Act. Provides that the fee for a duplicate temporary Illinois Identification Card is \$5. Amends the Illinois Vehicle Code. Requires drivers of truck-tractor semitrailer combinations operating as covered farm vehicles to successfully complete any tests the Secretary of State deems necessary. Allows the Secretary to suspend or revoke the driving privileges of any person, without a preliminary hearing, upon a showing of the person's records or other sufficient evidence that the person has submitted a falsified or altered medical examiner's certificate to the Secretary or provided false information to obtain a medical examiner's certificate. Provides that, if the total amount of dishonored payment due and owing to the Secretary for registration and title fees exceeds the sum of \$100 and has not been paid within 60 days from the date the dishonored payment was first delivered (rather than from the date the fee or tax became due), the Secretary shall assess a penalty of 25% of the amount remaining unpaid. Provides that, for purposes of ensuring a person is medically fit to drive a commercial motor vehicle, the Secretary may release medical information to the Federal Motor Carrier Safety Administration about an applicant or a holder of a CDL or CLP. Provides examples of medical information.

"SEXUAL ASSAULT INCIDENT"

**20 ILCS 2605/2605-53 (new), 98 (new), 50 ILCS 705/7,  
10.19, (new), 410 ILCS 70/1a, 6.4, 6.5 (new), 6.6 (new), 725  
ILCS 202/10**

**Effective Date: 08/12/2016**

**Public Act: 99-0801**

### **Synopsis:**

Creates the Sexual Assault Incident Procedure Act. Provides that on or before January 1, 2018, every law enforcement agency shall develop, adopt, and implement written policies regarding

## 2016/2017 Law Update for Law Enforcement

procedures for incidents of sexual assault or sexual abuse. Provides that the Office of the Attorney General in consultation with the Illinois Law Enforcement Training Standards Board and the Department of State Police shall develop this model policy. Provides guidelines on reporting of sexual assault and sexual abuse to law enforcement agencies, and the release and storage of sexual assault evidence. Makes corresponding changes in the Illinois Police Training Act, the Civil Administrative Code of Illinois, the Sexual Assault Evidence Submission Act, and the Sexual Assault Survivors Emergency Treatment Act Provides that a State's Attorney who is notified that a hospital is in possession of sexual assault evidence shall, within 72 hours, contact the appropriate law enforcement agency to request that the law enforcement agency take immediate physical custody of the sexual assault evidence. Further Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Division of Forensic Services shall establish administrative rules in order to set forth standardized requirements for the disclosure of toxicology results and other relevant documents related to a toxicological analysis. Provides that these administrative rules are to be adopted to produce uniform and sufficient information to allow a proper, well-informed determination of the admissibility of toxicology evidence and to ensure that this evidence is presented competently. Provides that these administrative rules are designed to provide a minimum standard for compliance of toxicology evidence and is not intended to limit the production and discovery of material information. Provides that the administrative rules shall be submitted by the Department of State Police into the rulemaking process on or before June 30, 2017. Provides that the Department of State Police shall employ laboratory technicians and other specially qualified persons to aid in the identification of criminal activity, and permits the Department of State Police to employ polygraph operators. Amends the Unified Code of Corrections. Provides that in consultation with and subject to the approval of the Chief Procurement Officer, the Department of State Police may obtain contracts for services, commodities, and equipment to assist in the timely completion of forensic biology, DNA, drug chemistry, firearms/toolmark, footwear/tire track, latent prints, toxicology, microscopy, trace chemistry, and Combined DNA Index System (CODIS) analysis. Amends the Illinois Procurement Code. Provides that contracts for services, commodities, and equipment to support the delivery of timely forensic science services are not subject to various provisions of the Illinois Procurement Code, but only for a period of 2 years. Makes other changes.

### "Epinephrine Auto Injectors"

**20 ILCS 2610/40(new), 30 ILCS 805/8.40(new), 50 ILCS 705/10.19(new), 410 ILCS 620/3.21**

**Effective Date: 01/01/17**

**Public Act: 99-0711**

#### **Synopsis:**

Amends the State Police Act and the Illinois Police Training Act creating the Annie LeGere Law and amends the Illinois Food, Drug and Cosmetic Act. Provides that the Department of State Police and the Illinois Law Enforcement Training Standards Board may conduct or approve training programs for officers to recognize and respond to anaphylaxis, including the administration of an epinephrine auto-injector. Provides that the Department of State Police or a local governmental agency may authorize officers to carry, administer, or assist in the administration of epinephrine auto-injectors if they have completed the requiring training and must provide for policies on the use of epinephrine auto-injectors. Limits liability for the use of

## 2016/2017 Law Update for Law Enforcement

epinephrine auto-injectors by police officers. Amends the State Mandates Act to require implementation without reimbursement.

**Excerpt from the Public Act not necessary.**

“Disposal of Meds of Deceased”

**20 ILCS 2610/40 (new), 50 ILCS 705/10.19 (new),  
55 ILCS 5/3-3045 (new), 210 ILCS 150/5, 210 ILCS 150/18  
(new), 225 ILCS 65/80**

**Effective Date:01/01/17**

**Public Act: 99-0648**

### **Synopsis:**

Amends the State Police Act, the Illinois Police Training Act, and the Counties Code. Amends the Safe Pharmaceutical Disposal Act. Provides that that police officers, coroners, and medical examiners may dispose of unused medications found at the scene of a death after consulting with any law enforcement agency investigating the death.

Provides that prior to disposal of unused medication collected as evidence in a criminal investigation, a State Police officer, police officer, coroner, or medical examiner shall photograph the unused medication and its container or packaging, if available; document the number or amount of medication to be disposed; and include the photographs and documentation in the police report, coroner report, or medical examiner report. Further provides if an autopsy is performed as part of a death investigation, no medication seized shall be disposed of until after a toxicology report is received by the entity requesting the report.

**Excerpt from the Public Act not necessary.**

“Cannabis Penalties”

**20 ILCS 2630/5.2, 410 ILCS 130/65, 620 ILCS 5/43d,  
620 ILCS 5/43e, 625 ILCS 5/2-118, 625 ILCS 5/2-118.1,  
625 ILCS 5/6-106.1a, 625 ILCS 5/6-208.1, 625 ILCS 5/6-  
514, 625 ILCS 5/6-517, 625 ILCS 5/11-401, 625 ILCS 5/11-  
500, 625 ILCS 5/11-500, 625 ILCS 5/11-501, 625 ILCS 11-  
501.1, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.4, 625 ILCS  
5/11-501.4-1, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8,  
625 ILCS 5/11-507, 625 ILCS 40/5-7, 625 ILCS 40/5-7.1,**

## 2016/2017 Law Update for Law Enforcement

**625 ILCS 40/5-7.2, 625 ILCS 40/5-7.4, 625 ILCS 40/5-7.6,  
625 ILCS 45/5-16, 625 ILCS 45/5-16a, 625 ILCS 45/5-16a.1,  
625 ILCS 45/16c, 705 ILCS 405/5-125, 720 ILCS 550/4, 720  
ILCS 550/5.3 (new), 720 ILCS 550/17.5 (new), 720 ILCS  
600/3.5. 725 ILCS 5/115-15, 725 ILCS 115-23 (new), 730  
ILCS 5/5-9-1.9**

**Effective Date: 07/29/16**

**Public Act: 99-0697**

### **Synopsis:**

Amends the Cannabis Control Act. Provides that the possession of 10 grams or less of cannabis is a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. Creates the offense of unlawful use of cannabis-based product manufacturing equipment. Provides that a violation is a Class 2 felony. Provides that the provisions of any ordinance enacted by any municipality or unit of local government which imposes a fine upon cannabis other than as defined in the Cannabis Control Act are not invalidated or affected by this Act. Amends the Drug Paraphernalia Control Act. Provides that if a person is convicted of 10 grams or less of cannabis, the penalty for possession of any drug paraphernalia seized during the arrest for that offense shall be a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. Provides for distribution of these fines. Amends Illinois Vehicle Code. Provides that a person shall not drive or be in actual physical control of any vehicle, snowmobile, or watercraft within this State when the person has, within 2 hours thereof, a tetrahydrocannabinol (THC) concentration in the person's whole blood or other bodily substance of 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance from the unlawful consumption of cannabis (rather than a cannabis THC concentration in any amount). Amends various other Acts to make conforming changes.

**Excerpt from the Public Act not necessary.**

**"VEH CD-SPECIAL PLATE-MONARCH"**

**30 ILCS 105/5.875 (new), 625 ILCS 5/3-699.14**

**Effective Date: 08/05/2016**

**Public Act: 99-0723**

### **Synopsis:**

Creates the Roadside Monarch Habitat Fund as a special fund in the State treasury. Amends the Illinois Vehicle Code to allow for the issuance of decals by the Illinois Department of Natural

## 2016/2017 Law Update for Law Enforcement

Resources. Provides for the original and renewal fees and fee distribution for Universal special license plates with decals issued by the Illinois Department of Natural Resources.

**Excerpt from the Public Act not necessary.**

“Juvenile - Counsel Representation”

**55 ILCS 5/3-4006, 705 ILCS 405/5-170, 705 ILCS 405/5-401.5, 725 ILCS 5/103-2-1**

**Effective Date: 01/01/17**

**Public Act: 99-0882**

### **Synopsis:**

Amends the Juvenile Court Act of 1987. Provides that in a proceeding under the Juvenile Court Act of 1987, a minor who was under 15 (rather than 13) years of age at the time of the commission of an act that if committed by an adult would be a violation of various offenses of the Criminal Code of 1961 or the Criminal Code of 2012 must be represented by counsel throughout the entire custodial interrogation of the minor. Provides that an oral, written, or sign language statement of a minor, who at the time of the commission of the offense was under 18 years of age, is presumed to be involuntarily made when the statement is obtained from the minor while the minor is subject to custodial interrogation by a law enforcement officer, State's Attorney, juvenile officer, or other public official or employee prior to the officer, State's Attorney, public official, or employee reading Miranda rights in its entirety to the minor. Amends the Code of Criminal Procedure. Provides that an oral, written, or sign language statement of a minor who at the time of the commission of the offense was under 18 years of age, made as a result of a custodial interrogation conducted at a police station or other place of detention shall be presumed to be inadmissible as evidence in a criminal proceeding or a juvenile court proceeding for an act that if committed by an adult would be a misdemeanor sex offense or a felony offense unless (1) an electronic recording is made of the custodial interrogation; and (2) the recording is substantially accurate and not intentionally altered. Amends the Counties Code. Provides that a case involving a minor who was under 15 years of age at the time of the commission of the offense who is required to have representation throughout the entire custodial interrogation that occurs in a county with a full-time public defender office, a public defender, without fee or appointment, may represent and have access to a minor during a custodial interrogation. Provides that a case involving a minor who was under 15 years of age at the time of the commission of the offense who is required to have representation throughout the entire custodial interrogation that occurs in a county without a full-time public defender, the law enforcement agency conducting the custodial interrogation shall ensure that the minor is able to consult with an attorney who is under contract with the county to provide public defender services. Provides that representation by the public defender shall terminate at the first court appearance if the court determines that the minor is not indigent.

**Excerpt from the Public Act not necessary.**

## 2016/2017 Law Update for Law Enforcement

### "DRIVER ED-TRAFFIC STOP-POLICE"

#### **105 ILCS 5/27-24.2, 24.2a (new), 625 ILCS 5/6-419**

**Effective Date: 01/01/17**

**Public Act: 99-0720**

#### **Synopsis:**

Amends the School Code and the Illinois Vehicle Code. Provides that a driver education course (whether offered by a public school, a non-public school, or a driver training school) shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.

**Excerpt from the Public Act not necessary.**

### "FOID-REVOKE-ORDER OF PROTECT"

#### **430 ILCS 65/4, 8, 9, 9.5, 8.2 rep.**

**Effective Date: 01/1/2017**

**Public Act: 99-0787**

#### **Synopsis:**

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police shall provide notice of the revocation of a person's Firearm Owner's Identification Card for being subject to an existing order of protection to all law enforcement agencies with jurisdiction to assist with the seizure of the person's Firearm Owner's Identification Card.

**Excerpt from the Public Act not necessary.**

### "ANIMAL ABUSE-EXPOSURE"

#### **510 ILCS 70/3.01**

**Effective Date: 08/12/2016**

**Public Act: 99-0782**

#### **Synopsis:**

Provides that no owner of a dog or cat that is a companion animal may expose the dog or cat in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that results in hypothermia, hyperthermia, frostbite, or similar condition as diagnosed (rather than determined) by a doctor of veterinary medicine. Provides that nothing in the amended Section prohibits an animal from being impounded in an emergency.

**Excerpt from the Public Act not necessary.**

## 2016/2017 Law Update for Law Enforcement

### "Fishing Limits - Private Property"

#### **515 ILCS 5/10-150 new**

**Effective Date: 07/08/16**

**Public Act: 99-0532**

#### **Synopsis:**

Amends the Fish and Aquatic Life Code. Provides that the limits on the number and size of fish a person may take in a day do not apply to a person fishing in waters wholly within his or her private property.

**Excerpt from the Public Act not necessary.**

### "Juvenile Court - Expunge Non Adjudication and Misdemeanor"

#### **705 ILCS 405/5-915**

**Effective Date: 01/01/17**

**Public Act: 99-0835**

#### **Synopsis:**

Amends the Juvenile Court Act of 1987. Provides that whenever a person has been arrested, charged, or adjudicated delinquent for an incident occurring before his or her 18th birthday that if committed by an adult would be an offense, the person may petition the court at any time for expungement of law enforcement records and juvenile court records relating to the incident and upon termination of all juvenile court proceedings relating to that incident, the court shall order the expungement of all records in the possession of the Department of State Police, the clerk of the circuit court, and law enforcement agencies relating to the incident, but only in any of the following circumstances: (1) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; (2) the minor was charged with an offense and the petition or petitions were dismissed without a finding of delinquency; (3) the minor was charged with an offense and was found not delinquent of that offense; (4) the minor was placed under supervision, and the order of supervision has since been successfully terminated; or (5) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult. Provides that no objection may be filed to a petition under this provision.

**Excerpt from the Public Act not necessary.**

### "Criminal Procedure - Bail Accepting Cash

#### **725 ILCS 5/110-9**

**Effective Date: 01/01/17**

**Public Act: 99-618**

## 2016/2017 Law Update for Law Enforcement

### **Synopsis:**

Amends the Code of Criminal Procedure of 1963. Provides that a peace officer taking cash bail or bail deposits shall accept payments made in the form of currency, and may accept other forms of payment as authorized by the sheriff. Defines "currency".

**Excerpt from the Public Act not necessary.**

### "Criminal Procedure - Currency Evidence"

#### **725 ILCS 5/115-9.2 (new)**

**Effective Date: 01/01/17**

**Public Act: 99-685**

### **Synopsis:**

Amends the Code of Criminal Procedure of 1963. Provides that in a prosecution in which United States currency was used by a law enforcement officer or agency or by a person acting under the direction of a law enforcement officer or agency in an undercover investigation of an offense that has imprisonment as an available sentence for a violation of the offense, the court shall receive as competent evidence, a photograph, photostatic copy, or photocopy of the currency used in the undercover investigation, if the photograph, photostatic copy, or photocopy (1) will serve the purpose of demonstrating the nature of the currency; (2) the individual serial numbers of the currency are clearly visible or if the amount of currency exceeds \$500 the individual serial numbers of a sample of 10% of the currency are clearly visible, and any identification marks placed on the currency by law enforcement as part of the investigation are clearly visible; (3) complies with federal law, rule, or regulation requirements on photographs, photostatic copies, or photocopies of United States currency; and (4) is otherwise admissible into evidence under all other rules of law governing the admissibility of photographs, photostatic copies, or photocopies into evidence. Provides that the fact that it is impractical to introduce into evidence the actual currency for any reason, including its size, weight, or unavailability, need not be established for the court to find a photograph, photostatic copy, or photocopy of that currency to be competent evidence. Provides that if a photograph, photostatic copy, or photocopy is found to be competent evidence, it is admissible into evidence in place of the currency and to the same extent as the currency itself

**Excerpt from the Public Act not necessary.**

### "CRIM PRO-INTELLECT DISABILITY"

#### **725 ILCS 5/115-10**

**Effective Date: 01/1/2017**

**Public Act: 99-0752**

## 2016/2017 Law Update for Law Enforcement

### **Synopsis:**

Amends the Code of Criminal Procedure of 1963. Makes the hearsay exemption apply to a person with an intellectual disability, a person with a cognitive impairment, or a person with a developmental disability (rather than a moderately intellectually disabled person or severely or profoundly intellectually disabled person). Defines a person with an intellectual disability as a person with significantly subaverage general intellectual functioning which exists concurrently with an impairment in adaptive behavior. Defines a person with cognitive impairment as a person with a significant impairment of cognition or memory that represents a marked deterioration from a previous level of function. Cognitive impairment includes, but is not limited to, dementia, amnesia, delirium, or a traumatic brain injury. Defines a person with a developmental disability as a person with a disability that is attributable to (1) an intellectual disability, cerebral palsy, epilepsy, or autism, or (2) any other condition that results in an impairment similar to that caused by an intellectual disability and requires services similar to those required by a person with an intellectual disability.

**Excerpt from the Public Act not necessary.**

### “Civil Law - Tech”

#### **725 ILCS 120/3, 740 ILCS 45/2**

**Effective Date: 01/01/17**

**Public Act: 99-0671**

### **Synopsis:**

Amends the Crime Victims Compensation Act. Includes within the scope of the term "victim" a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime.

Amends the Rights of Crime Victims and Witnesses Act. Changes the definition of "witness" to include a person who will be called by the prosecution to give testimony establishing a necessary nexus between the offender and the violent crime.

**Excerpt from the Public Act not necessary.**

### “Sexual Assault DNA Testing”

#### **725 ILCS 202/15, 725 ILCS 202/20, 725 ILCS 202/40 (new)**

**Effective Date: 07/22/16**

**Public Act: 99-0617**

### **Synopsis:**

Amends the Sexual Assault Evidence Submission Act. Provides if a consistent DNA profile has been identified in a sexual assault case by comparing the submitted sexual assault evidence with a known standard from a suspect or with DNA profiles in the CODIS database, the Department of

## 2016/2017 Law Update for Law Enforcement

State Police shall notify the investigating law enforcement agency of the results in writing, and the Department shall provide an automatic courtesy copy of the written notification to the appropriate State's Attorney's Office for tracking and further action, as necessary. Beginning June 1, 2016 or on and after the effective date of this amendatory Act, whichever is later, each law enforcement agency must conduct an annual inventory of all sexual assault cases in the custody of the law enforcement agency and provide written notice of its annual findings to the State's Attorney's Office having jurisdiction to ensure sexual assault cases are being submitted as provided by law. Beginning January 1, 2017 and each year thereafter, the Department of State Police shall publish a quarterly report on its website, indicating a breakdown of the number of sexual assault case submissions from every law enforcement agency.

### Excerpt from the Public Act not necessary

## "SURVEILLANCE-LOCATION AUTH" 725 ILCS 168/10, 15

**Effective Date: 01/1/2017**

**Public Act: 99-0798**

### Synopsis:

Amends the Freedom From Location Surveillance Act. Provides that a court may grant a law enforcement's request to obtain current or future location information through testimony made through electronic means using a simultaneous video and audio transmission between the requestor and judge, based on sworn testimony communicated in the transmission. The entity making the request, and the court authorizing the request shall follow the same procedure under the Code of Criminal Procedure of 1963, which authorizes the electronic issuance of search warrants. Provides that an investigative or law enforcement officer may seek to obtain location information in an emergency situation if the situation involves a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) the use of force or the threat of the imminent use of force, (2) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force, or (3) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel, or aircraft. Provides that an investigative or law enforcement officer may seek to obtain location information in an emergency situation if the situation involves escape as defined in the Criminal Code of 2012.

An emergency situation exists when:

(i) the use of the electronic device is necessary for the protection of the investigative or law enforcement officer or a person acting at the direction of law enforcement; or

(ii) the situation involves:

(aa) ~~(I)~~ a clear and present danger of imminent death or great bodily harm to persons resulting from:

(I) the use of force or the threat of the imminent use of force,

(II) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force, or

## 2016/2017 Law Update for Law Enforcement

(III) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel, or aircraft;

(bb) an abduction investigation;

(cc) conspiratorial activities characteristic of organized crime;

(dd) an immediate threat to national security interest; or

(ee) an ongoing attack on a computer comprising a felony;

~~or~~.

(ff) escape under Section 31-6 of the Criminal Code of 2012.

### “Domestic Violence - Police Training” **725 ILCS 5/112A-27, 750 ILCS 60/301.1**

**Effective Date: 01/1/2017**  
**Public Act: 99-0810**

#### **Synopsis:**

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that in developing arrest procedure policies in domestic violence situations, each law enforcement agency shall (instead of "is encouraged to") consult with community organizations and other law enforcement agencies with expertise in recognizing and handling domestic violence incidents. Provides that in the initial training of new recruits and every 5 years in the continuing education of law enforcement officers, every law enforcement agency shall provide training to aid in understanding the actions of domestic violence victims and abusers and to prevent further victimization of those who have been abused, focusing specifically on looking beyond the physical evidence to the psychology of domestic violence situations, such as the dynamics of the aggressor-victim relationship, separately evaluating claims where both parties claim to be the victim, and long-term effects. Provides that the Law Enforcement Training Standards Board shall formulate and administer the training as part of the current programs for both new recruits and active law enforcement officers. Provides that the Board shall formulate the training by July 1, 2017, and implement the training statewide by July 1, 2018. Provides that in formulating the training, the Board shall work with community organizations with expertise in domestic violence to determine which topics to include. Provides that the Law Enforcement Training Standards Board shall oversee the implementation and continual administration of the training.

**Excerpt from the Public Act not necessary.**

### “COMMN INT COMM'TY-INSTRUMENTS” **770 ILCS 45/1.5 (new), 50/1.5 (new)**

**Effective Date: 08/12/2016**  
**Public Act: 99-0759**

## 2016/2017 Law Update for Law Enforcement

### **Synopsis:**

Amends the Labor and Storage Lien Act and the Labor and Storage Lien (Small Amount) Act. Provides that an entity seeking to impose storage fees in connection with the furnishing of storage for a vehicle must provide written notice, by certified mail, to the lienholder of record prior to the assessment and accrual of such fees. Provides that the notice shall include the rate at which fees will be incurred, and shall provide the lienholder with an opportunity to inspect the vehicle on the premises where the vehicle is stored. Provides that payment of the storage fees by the lienholder may be made in cash or by cashier's check, certified check, or wire transfer, at the option of the lienholder.

**Excerpt from the Public Act not necessary.**

### "Consumer Fraud - Used Vehicles"

#### **815 ILCS 505/2L**

**Effective Date: 07/01/17**

**Public Act: 99-0768**

### **Synopsis:**

Amends the Consumer Fraud and Deceptive Business Practices Act. Removes provisions requiring all new and used motor vehicle dealers to pay a percentage of certain repairs for power train components. Adds provisions regarding used motor vehicle dealers and auction companies. Provides that used motor vehicle dealers and certain auction companies may not exclude, modify, or disclaim an implied warranty of merchantability before the expiration of the 15th calendar day after delivery of the used motor vehicle or before the used motor vehicle is driven 500 miles after delivery, whichever occurs first. Exempts the sale of antique and collector vehicles from the new provisions. Provides that an implied warranty of merchantability does not extend to damage that occurs after the sale of the used motor vehicle that results from certain conduct, including: off-road use, racing, neglect, and failure to perform regular maintenance. Sets forth remedies and defenses.

Provides that any retail sale of a used motor vehicle made to a consumer by a licensed vehicle dealer within the meaning of certain provisions of the Illinois Vehicle Code or by an auction company at an auction that is open to the general public (instead of any retail sale of a motor vehicle made to a consumer by a used motor vehicle dealer within the meaning of certain provisions of the Illinois Vehicle Code) is made subject to the provisions limiting modifications to or a disclaimer of an implied warranty of merchantability. Provides that if the implied warranty of merchantability is breached, the consumer shall give reasonable notice to the seller no later than 2 business days after the end of the statutory warranty period (instead of if the implied warranty of merchantability is breached, the consumer shall give reasonable notice to the seller within 15 days after the date of the breach). Provides that an implied warranty of merchantability is met if a used motor vehicle functions free of a defect in a powertrain component (instead of an implied warranty of merchantability is met if a used motor vehicle functions substantially free of a defect that significantly limits the use of the used motor vehicle for the ordinary purpose of transportation on any public highway). Defines "power train component". Makes changes to provisions concerning: (i) the language required in a disclosure statement within an agreement for the sale

## **2016/2017 Law Update for Law Enforcement**

of a used motor vehicle and (ii) express or implied warranties other than the 15-day, 500-mile implied warranty of merchantability. Removes a provision concerning remedies for an aggrieved consumer or seller. Provides for a consumer payment of \$100 for each repair; however, the consumer is only responsible for a maximum payment of \$100 if the consumer brings in the vehicle for a second repair for the same defect. Authorizes waiver of warranty for specific defects including with respect to rebuilt or flood-branded titled vehicles

Excludes from coverage vehicles with more than 150,000 miles at the time of sale and vehicles with titles that have been branded "rebuilt" or "flood".

**Excerpt from the Public Act not necessary.**

**End**