

2010 Law Update for Law Enforcement

Law	Statute	Description
Illinois Vehicle Code		
Electronic Communication Effective date 1/1/10	625 ILCS 5/12-610.2	A person may not operate a vehicle on a roadway while using an electronic communication device to compose, send or read an electronic message.
No Phone in School/Work Zones Effective Date 1/1/10	625 ILCS 5/12-610.1	A person regardless of age may not use a wireless telephone in a school speed zone or a construction zone or a maintenance speed zone.
Uninsured Operation of a Vehicle Effective Date 1/1/10	625 ILCS 5/3-707	A person commits the offense of operation of an uninsured motor vehicle causing bodily harm (Class A Misdemeanor)
Low Speed Electric Bike Low-Speed Gas Bike Effective Date - 1/1/10	625 ILCS 5/1-140.10 625 ILCS 5/1-140.15 625 ILCS 5/1-1516	(a) A person may operate a low-speed bicycle or low-gas speed bicycle, if the person is 16 yoa. (b) A person may not operate a low-speed electric or low-speed bicycle at a speed greater than 20 miles per hour upon any highway, street or roadway. (c) A person may not operate a low-speed electric bicycle or low-speed gas bicycle on a sidewalk.
Non-Highway Vehicles Effective Date - 1/1/10	625 ILCS 5/1-123.9 625 ILCS 5/1-148.3m 625 ILCS 5/11-1426.1 625 ILCS 5/11-1427.2 625 ILCS 5/11-1427.3	Specifies Golf Cart or other neighborhood vehicle, self propelled, electronic powered, four wheeled vehicle with an engine displacement under 1,200 cc. which cannot exceed 25 miles per hour. (a) It is unlawful to operate any such vehicle upon any street, highway, or roadway in the state, unless exempt by ordinance, and must have a valid Illinois driver's license in their name. Anyone operating such vehicle is subject to mandatory insurance requirements of Chapter 7 of the ILCS
Secret Compartment Effective Date - 1/1/10	625 ILCS 5/12-612	(a) It is unlawful for any person to own or operate with criminal intent any vehicle he or she knows to contain a false or secret compartment that is used to conceal a firearm (24-1) or a controlled substance prohibited by the Illinois Controlled substances act or the Methamphetamine Control and Community Protection Act. (b) to install, create or build or fabricate in any vehicle a false or secret compartment knowing another person intends to use the compartment to conceal a firearm (24-1) or a controlled substance prohibited by the Illinois Controlled substances act or the Methamphetamine Control and Community Protection Act. (Class 4 Felony)
Tinted Windows Effective Date 1- 1/1/10	625 ILCS 5/12-503	<i>This is an amended offense adding the wording below</i> No person shall install or repair any material prohibited by this subsection 1 st offense, petty with \$50-500 fine, 2 nd offense Class C misdemeanor.
Criminal Offenses		
Aggravated Battery with a Firearm Effective Date -1/1/10	720 ILCS 5/12-4.2	Includes the offense the discharging of a firearm on school grounds at a person known to be a student and causes injury to that student. Increased enhancement for possessing or carrying firearms on a public transportation agency or within 1,000 feet of a public transportation facility
Unlawful Use of Weapons Effective Date 8/25/09	720 ILCS 5/24-1 720 ILCS 5/24-1.6 720 ILCS 5/24-2	Provides that it is not a violation of the statutes concerning unlawful use of weapons and aggravated unlawful use of a weapon to carry or possess any pistol, revolver, stun gun or taser or other firearm in a legal dwelling or place where the person is an invitee with that person's permission.
Use of Stolen Firearms Effective Date 1/1/10	720 ILCS 5/24-3.7	Amended, that provides a person who sells or gives any firearm to any person who has been convicted of a felony under the laws of this State or any other jurisdiction is guilty of a Class 3 Felony. Creates the offense of "Use of a Stolen Firearm in the Commission of an Offense", that a person commits the offense when he or she knowingly uses a stolen firearm in the commission of any offense and the person knows the firearm is stolen. Class 2 felony.

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Obstructing Identification Effective Date - 1/1/10	720 ILCS 5/31-4.5	Creates the offense of obstructing identification. Provides that a person commits the offense when he or she intentionally or knowingly furnishes a false or fictitious name, residence address or date of birth to a peace officer who has (1) lawfully arrested the person (2) lawfully detained the person (3) requested information from a person that the peace officer has good cause to believe is a witness to a criminal offense. Class A misdemeanor
Gang Recruitment of a Minor Effective Date 1/1/10	720 ILCS 5/12-6.4	Creates the Offense of Criminal Street Gang Recruitment of a Minor. A person that commits the offense when he or she threatens the use of physical force to coerce, solicit, recruit, induce another person to join or remain a member of a criminal street gang, or conspires to do so, whether or not such force is communicated in person, by means of the internet or by means of telecommunications device. Penalty Class 1 Felony
Unauthorized Video Taping Effective Date - 1/1/10	720 ILCS 5/26-4	Provides that it is unlawful for any person to knowingly make a video record or transmit live video of another person in that other person residence without that person's consent when the recording or transmission is made outside that person residence by use of an audio or video device that records or transmits from remote locations.
Disorderly Conduct Effective Date 1/1/10	720 ILCS 5/26-1	Adds to the law – a person commits disorderly conduct when he or she knowingly transmits or causes to be transmitted a threat of destruction of a school building or school property or a threat of violence, death or bodily harm directed against person at a school, school function or a school event, whether or not school is in session. Class 4 Felony.
Sex Offenses		
Sex Offenders – No Social Networking Effective Date - 1/1/10	720 ILCS 5/16D-2 720 ILCS 5/3-3-7 720 ILCS 5/6-3 270 ILCS 5/6-3.1	Provides that it is a Class 4 Felony for a person required to register as a sex offender under the Sex Offender Registration Act to access or use a social networking site during the period for which the sex offender is required to register under the act.
Minors-Harmless Materials Effective Date - 1/1/10	720 ILCS 5/11-21	Provides that the exhibition to or depiction to a minor of harmful materials is a Class A misdemeanor for a first offense and a Class 4 Felony for a second or subsequent offense.
Cyberstalking Effective Date 1/1/01	720 ILCS 5/12-7.3 720 ILCS 5/12-7.4 720 ILCS 5/12-7.5	Adds elements to the offenses of stalking, aggravated stalking, and cyberstalking. Provides that a person also commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress. Provides that if the conduct is committed using electronic communication, the offense is cyberstalking. Provides that a person also commits aggravated stalking when he or she, in conjunction with committing the offense of stalking, violates a stalking no contact order or a civil no contact order. Provides that the provisions relating to stalking and aggravated stalking do not apply to any individual or organization monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements. Provides that telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under these provisions, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of these provisions. Retains the same penalties for the offenses.

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Miscellaneous		
Homeless Identification Card Effective Date 7/1/01	15 ILCS 335/1A	Amends the Illinois Identification Act to authorize Identification Cards to homeless persons at no fee.
Police – Missing Endangered - Alzheimer’s Diseases Effective Date 1/1/10	20 ILCS 2605/2605-5 50 ILCS 705/10.10	Adds to the definition of "missing endangered senior" a person with Alzheimer's disease or related dementias who is reported missing. Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall conduct training programs (instead of a program) for law enforcement personnel of local governmental agencies in the statewide coordinated child abduction alert system and missing endangered senior alert system.
Theft – Rent Effective Date 1/1/10	720 ILCS 5/16-1	Enhances the penalty for theft by one class higher if the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant.
Officer Safety		
Eavesdropping – Exempt UUW Effective date 8/13/09	720 ILCS 5/14-3	With prior approval of a States Attorney a law enforcement officer or a person directed by a law enforcement officer consented to using a device necessary to record or intercept for the protection of the law enforcement officer or any persons acting at the direction of the law enforcement officer in course of an investigation of a felony offense concerning Unlawful Use of Weapons
Eavesdropping – Exempt Child Sex Offenses Effective date -8/25/09	720 ILCS 5/14-3	With prior approval of a States Attorney a law enforcement officer or a person directed by a law enforcement officer consented to using a device necessary to record or intercept for the protection of the law enforcement officer or any persons acting at the direction of the law enforcement officer in course of an investigation of aggravated child pornography, indecent solicitation of a child, child abduction, luring of a minor, sexual exploitation of a child, predatory criminal sexual assault of a child, aggravated criminal sexual abuse (victim under 18) aggravated criminal sexual assault (victim under 18)
Eavesdropping – Exempt Barricaded Subject Effective date 8/25/09	720 ILCS 5/14-3	Provides that any law enforcement officer or individual acting on behalf of a law enforcement officer may use an eavesdropping camera or audio device during an ongoing hostage or barricade situation when the use of such devices is necessary to protect the safety of the general public, hostages, or law enforcement officers or anyone acting on their behalf.
Eavesdropping – Exempt Effective 8/25/09	720 ILCS 5/14-3	Provides exemptions from an eavesdropping violation: (1) recordings made simultaneously with the use of an in-car video camera recording of an oral conversation between a uniformed peace officer, who has identified his or her office, and a person in the presence of the peace officer whenever (i) an officer assigned a patrol vehicle is conducting an enforcement stop; (ii) patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement. (2) recordings of utterances made by a person while in the presence of a uniformed peace officer and while an occupant of a police vehicle including, but not limited to, (i) recordings made simultaneously with the use of an in-car video camera and (ii) recordings made in the presence of the peace officer utilizing video or audio systems, or both, authorized by the law enforcement agency; and (3) recordings made simultaneously with a video camera recording during the use of a taser or similar weapon or device by a peace officer if the weapon or device is equipped with such camera. Provides that the law enforcement agency shall retain such recordings for a storage period of 90 days, unless the recordings are made as a part of an arrest or the recordings are deemed evidence in any criminal, civil, or administrative proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court. Provides that under no circumstances shall any recording be altered or erased prior to the expiration of the designated storage period. Provides that upon completion
Disarm a Peace Officer Effective Date - 8/22/09	720 ILCS 5/31-1a	Amends the Criminal Code of 1961 and the Unified Code of Corrections. Provides that disarming a peace officer or correctional institution employee is a non-probationable Class 1 felony. Provides that an attempt to disarm a peace officer or correction institution employee is a Class 2 felony.