



Clarifying an Arrestee's Right to Have Access to a Phone

Draft Proposal Language:

(725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

Sec. 103-3. Right to communicate with attorney and family; transfers.

~~(a) Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.~~

(a-1) Immediately upon arrival at a police station or other place where an arrestee is detained, but no later than one hour after arrival, an arrested person has the right to make at least three completed telephone calls, as described in subparagraph (a-3).

(a-2) The arrested person must be given access to a phone within one hour of arrival at a police station or any other place where detained by law enforcement.

(a-3) The arrested person is entitled to make at least three completed telephone calls at no expense to himself or herself.

(a-4) At every police facility where an arrestee may be detained, a sign containing at minimum, the following information in bold block type must be posted in a conspicuous place:

- i. A short statement notifying arrestees of their right to have access to a phone within one hour of arrival at the police station;
- ii. Arrestees have the right to make at least three completed phone calls at no expense to himself or herself
- iii. Phone calls can be made to an attorney, relative or acquaintance.

(a-5) In addition to the information listed in (a-4), if the police station is located in a jurisdiction where the court has appointed the public defender or other attorney to represent arrestees, the telephone number to the public defender or appointed attorney's office must also be displayed. This telephone call must not be monitored, eavesdropped upon, or recorded.

(b) In the event an arrestee is transferred to a new place of custody his or her right to have access to a telephone within one hour of arrival is renewed.

(c) Statements made by an arrestee in violation of this section are presumed inadmissible in court as evidence against the arrestee.