



WILLIAM J. SCOTT

ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

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FILE NO. S-853

COUNTIES:

**Powers of Assistant
Supervisor of Safety**

Honorable Nicholas G. Byron
State's Attorney, Madison County
Courthouse
Edwardsville, Illinois 62025

Dear Mr. Byron:

This is in response to your letter which states in

part:

"* * *

Query is now made as to the full extent of
police powers which may lawfully be delegated
to Assistant Supervisors of Safety."

The office of County Supervisor of Safety is estab-
lished by "AN ACT in relation to the regulation or motor vehicle
traffic and the promotion of safety on public highways in counties"

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(Ill. Rev. Stat. 1973, ch. 125, pars. 30-32), which, in part, states:

"§ 1. The office of Supervisor of Safety is hereby created for each county to be held by the Sheriff of the county.

§ 2. The Supervisor of Safety shall enforce all the laws of this State and, within the municipalities in his county, the ordinances of such municipalities relating to the regulation of motor vehicle traffic and the promotion of safety on public highways. * * * Subject to the approval of the county board, the Supervisor of Safety may appoint assistants to aid him in carrying out his duties. The Supervisor of Safety shall cooperate with the State and Federal governments and agencies thereof in programs designed to promote safety on highways. * * * (Emphasis added.)

It is clear from the foregoing that an Assistant Supervisor of Safety is a "peace officer" as defined in section 2-13 of the Illinois Criminal Code of 1961 (Ill. Rev. Stat. 1973, ch. 38, par. 2-13), which states:

"§ 2-13. "Peace officer".] "Peace officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses."

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As passed by the legislature, the Act setting up the office contained within its preamble the following statement of legislative concern and intent:

"WHEREAS, the advent of the motorized vehicle has caused a tremendous increase in traffic on the public highways thereby creating many additional hazards to the public safety and welfare; and

WHEREAS, such hazards and the congestion of traffic are conditions resulting from our modern way of life; and

WHEREAS, these conditions must be more stringently regulated and controlled in order to adequately protect the safety and welfare of the public; * * *

Laws 1951, p. 2126.

In construing a statute it must be read as a whole (Pliakos v. Illinois Liquor Control Commission, 11 Ill. 2d 456) and the legislative intent is to be gathered not only from the language used in the statute, but also from the reasons for its enactment and the purposes to be attained. (People ex rel. Cason v. Ring, 41 Ill. 2d 305.) It is apparent, therefore, that an Assistant Supervisor of Safety is a peace officer only while lawfully enforcing State laws or municipal ordinances relating to regulation of motor vehicle traffic and the promotion of safety on public highways.

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As a peace officer (while performing motor vehicle or highway safety related duties) an Assistant Supervisor of Safety may exercise any of the powers ordinarily held by other types of peace officers. He may, for example, make arrests (Ill. Rev. Stat. 1973, ch. 38, par. 107-2), conduct searches (Ill. Rev. Stat. 1973, ch. 38, par. 108-1 et seq.), and is exempt from arrest and prosecution for the otherwise unlawful use of certain weapons. Ill. Rev. Stat. 1973, ch. 38, par. 24-2.

In summary, it is my opinion that an Assistant Supervisor of Safety, while engaged in the enforcement of any motor vehicle or highway safety law or municipal ordinance, may exercise the same powers as are granted all other peace officers by Illinois law.

Very truly yours,

A T T O R N E Y G E N E R A L