



Sen. A. J. Wilhelmi

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LRB095 03732 RLC 36106 a

1 AMENDMENT TO HOUSE BILL 39

2 AMENDMENT NO. _____. Amend House Bill 39 by replacing
3 lines 19 through 26 on page 4 with the following:

4 "(g-6) With approval of the State's Attorney of the county
5 in which it is to occur, recording or listening with the aid of
6 any device to any conversation where a law enforcement officer,
7 or any person acting at the direction of law enforcement, is a
8 party to the conversation and has consented to it being
9 intercepted or recorded in the course of an investigation of
10 child pornography. In all such cases, an application for an
11 order approving the previous or continuing use of an
12 eavesdropping device must be made within 48 hours of the
13 commencement of such use. In the absence of such an order, or
14 upon its denial, any continuing use shall immediately
15 terminate. The Director of State Police shall issue rules as
16 are necessary concerning the use of devices, retention of
17 recordings, and reports regarding their use. Any recording or
18 evidence obtained or derived in the course of an investigation

1 of child pornography shall, upon motion of the State's Attorney
2 or Attorney General prosecuting any case involving child
3 pornography, be reviewed in camera with notice to all parties
4 present by the court presiding over the criminal case, and, if
5 ruled by the court to be relevant and otherwise admissible, it
6 shall be admissible at the trial of the criminal case. Absent
7 such a ruling, any such recording or evidence shall not be
8 admissible at the trial of the criminal case;".