



Sen. John J. Cullerton

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09600HB0699sam003

LRB096 04553 RLC 26469 a

1 AMENDMENT TO HOUSE BILL 699

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 699, AS AMENDED, in  
3 the introductory clause of Section 5, by replacing "Section  
4 12-4.1" with "Sections 12-4.1 and 32-8"; and

5 by inserting after the last line of Sec. 12-4.1 of Section 5  
6 the following:

7 "(720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

8 Sec. 32-8. Tampering with public records.

9 (a) A person who knowingly and without lawful authority  
10 alters, destroys, defaces, removes or conceals any public  
11 record commits a Class 4 felony.

12 (b) A public record, as so defined, expressly includes, but  
13 is not limited to, court records pertaining to any civil or  
14 criminal proceeding in any court.

15 (c) A judge, circuit clerk or clerk of any court, an  
16 inspector general of any court, public official or employee,

1 court reporter, or any other person who knowingly and without  
2 lawful authority alters, destroys, defaces, removes, or  
3 conceals any public record received or held by any judge or by  
4 a clerk of any court commits a Class 3 felony.

5 (d) Any person convicted under subsection (c) shall forfeit  
6 his or her elected office or public employment, if any,  
7 together with his or her entitlement to any and all public  
8 pensions or other benefits payable by the State of Illinois or  
9 by any public entity created or organized under the laws of the  
10 State of Illinois, if any.

11 (e) Any party having an interest in the protection and  
12 integrity of any court record, whether such party be a public  
13 official or a private individual, shall have the right to  
14 request and, if necessary, to demand an investigation be opened  
15 into the destruction, defacement, removal, or concealment of  
16 any public record. Such request may be made to any law  
17 enforcement agency, including, but not limited to, local law  
18 enforcement and the State Police.

19 (f) When the local law enforcement agency having  
20 jurisdiction declines to investigate, or inadequately  
21 investigates, a violation of subsection (c), the State Police  
22 shall have the authority to investigate, and shall investigate,  
23 the same, without regard to whether such local law enforcement  
24 agency has requested the State Police to do so.

25 (g) When the State's Attorney having jurisdiction declines  
26 to prosecute a violation of subsection (c), the Attorney

1 General shall have the authority to prosecute the same, without  
2 regard to whether such State's Attorney has requested the  
3 Attorney General to do so.

4 (h) Prosecution of a violation of subsection (c) shall be  
5 commenced within 3 years after the act constituting the  
6 violation is discovered or reasonably should have been  
7 discovered.

8 (Source: P.A. 77-2638.)".