

**STATE OF ILLINOIS**  
**LEGISLATIVE INFORMATION SYSTEM**  
**100th GENERAL ASSEMBLY**

**DAILY**

**Synopsis of Legislation**

**Legislation Passed Both Houses with Last Action**

*For day of Apr 24, 2018*

SB 01830

Sen. Michael E. Hastings, John G. Mulroe-Patricia Van Pelt, Mattie Hunter, Dale A. Righter and Andy Manar  
(Rep. Arthur Turner-Elizabeth Hernandez, Sara Wojcicki Jimenez, Christian L. Mitchell, Theresa Mah, Mary E. Flowers and  
Scott Drury)

725 ILCS 5/115-21

Amends the Code of Criminal Procedure of 1963. Provides in cases in which the prosecution attempts to introduce evidence of incriminating statements made by the accused to or overheard by an informant, the prosecution shall disclose at least 30 days prior to any relevant evidentiary hearing or trial (rather than timely disclose in discovery): (1) the complete criminal history of the informant; (2) any deal, promise, inducement, or benefit that the offering party has made or will make in the future to the informant; (3) the statements made by the accused; (4) the time and place of the statements, the time and place of their disclosure to law enforcement officials, and the names of all persons who were present when the statements were made; whether at any time the informant recanted that testimony or statement and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation; (6) other cases in which the informant testified, provided that the existence of such testimony can be ascertained through reasonable inquiry and whether the informant received any promise, inducement, or benefit in exchange for or subsequent to that testimony or statement; and (7) any other information relevant to the informant's credibility. Provides that if, at any time, a law enforcement or prosecutorial official has reason to believe that a previous statement or testimony proffered by an individual acting as an in-custody informant may be untruthful or unreliable, this information shall be disclosed through notification to the defendant, his or her attorney of record or the public defender's office, the prosecutor's office, and the court for all cases in which the informant offered statements or testimony. Provides that this provision applies to any criminal proceeding for first degree murder, intentional homicide of an unborn child, second degree murder, voluntary manslaughter of an unborn child, involuntary manslaughter and reckless homicide, involuntary manslaughter and reckless homicide of an unborn child, drug-induced homicide, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated arson (rather than a capital case). Makes other changes.

Senate Floor Amendment No. 1

Replaces everything after the enacting clause. Reinserts the provisions of the introduced bill with changes. Amends the Code of Criminal Procedure of 1963. Expands the informant testimony provisions from capital cases to first degree murder, intentional homicide of an unborn child, second degree murder, voluntary manslaughter of an unborn child, involuntary manslaughter and reckless homicide, involuntary manslaughter and reckless homicide of an unborn child, drug-induced homicide, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated arson. Provides that the court may permit the prosecution to disclose its intent to introduce the testimony of an informant with less notice than the 30-day notice period required, if the court finds that the informant was not known prior to the 30-day notice period and could not have been discovered or obtained by the exercise of due diligence by the prosecution prior to the 30-day notice period. Provides that upon good cause shown, the court may set a reasonable notice period under the circumstances or may continue the trial on its own motion to allow for a reasonable notice period, which motion shall toll the speedy trial period for the period of the continuance. Provides that if a lawful recording of an incriminating statement is made of an accused to an informant or of a statement made by an informant to law enforcement or the prosecution, including any deal, promise, inducement, or other benefit offered to the informant, the accused may request a reliability hearing and the prosecution shall be subject to the disclosure requirements. Deletes language in the introduced bill providing that if, at any time, a law enforcement or prosecutorial official has reason to believe that a previous statement or testimony proffered by an individual acting as an in-custody informant may be untruthful or unreliable, this information shall be disclosed through notification to the defendant, his or her attorney of record or the public defender's office, the prosecutor's office, and the court for all cases in which the informant offered statements or testimony. Deletes language in the introduced bill providing that if there is an adverse finding with respect to the reliability of the in-custody informant, the relevant State entity has an obligation to notify the defendant, his or her attorney of record or public defender's office, the prosecutor's office, and the court where the in-custody informant has testified.

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