

## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1836

Introduced 1/29/2025, by Rep. Mary Beth Canty

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/1-6	from Ch. 38, par. 1-6
720 ILCS 5/14-3	
725 ILCS 5/108A-1	from Ch. 38, par. 108A-1
725 ILCS 5/108A-3	from Ch. 38, par. 108A-3
725 ILCS 5/108A-6	from Ch. 38, par. 108A-6
725 ILCS 5/108A-11	from Ch. 38, par. 108A-11
725 ILCS 215/2	from Ch. 38, par. 1702
725 ILCS 215/3	from Ch. 38, par. 1703
725 ILCS 215/4	from Ch. 38, par. 1704

Amends the Criminal Code of 2012. Provides that the offense of methamphetamine trafficking may be tried in any county. Permits the Attorney General to authorize certain eavesdropping requests from law enforcement. Amends the Code of Criminal Procedure of 1963. Permits the Attorney General or an Assistant Attorney General authorized by the Attorney General to authorize an application to a circuit judge or an associate judge assigned by the Chief Judge of the circuit for, and such judge may grant in conformity with the Judicial Supervision of the Use of Eavesdropping Devices Article of the Code, an order authorizing or approving the use of an eavesdropping device by a law enforcement officer or agency having the responsibility for the investigation of any felony under Illinois law where any one party to a conversation to be monitored, or previously monitored in the case of an emergency situation, has consented to such monitoring. Amends the Statewide Grand Jury Act. Provides that a Statewide Grand Jury may investigate, indict, and prosecute theft, retail theft, Internet offenses, continuing financial crimes enterprise, vehicular hijacking, aggravated vehicular hijacking, vehicular invasion, burglary, residential burglary, and home invasion if the offense involves acts occurring in more than one county of the State.

LRB104 08084 RLC 18130 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 1-6 and 14-3 as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the  
10 offense was committed, except as otherwise provided by law.  
11 The State is not required to prove during trial that the  
12 alleged offense occurred in any particular county in this  
13 State. When a defendant contests the place of trial under this  
14 Section, all proceedings regarding this issue shall be  
15 conducted under Section 114-1 of the Code of Criminal  
16 Procedure of 1963. All objections of improper place of trial  
17 are waived by a defendant unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of  
20 another is located in one county and his victim is located in  
21 another county at the time of the commission of the offense,  
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or

1 Undetermined.

2 If cause of death is inflicted in one county and death  
3 ensues in another county, the offender may be tried in either  
4 county. If neither the county in which the cause of death was  
5 inflicted nor the county in which death ensued are known  
6 before trial, the offender may be tried in the county where the  
7 body was found.

8 (d) Offense Commenced Outside the State.

9 If the commission of an offense commenced outside the  
10 State is consummated within this State, the offender shall be  
11 tried in the county where the offense is consummated.

12 (e) Offenses Committed in Bordering Navigable Waters.

13 If an offense is committed on any of the navigable waters  
14 bordering on this State, the offender may be tried in any  
15 county adjacent to such navigable water.

16 (f) Offenses Committed while in Transit.

17 If an offense is committed upon any railroad car, vehicle,  
18 watercraft or aircraft passing within this State, and it  
19 cannot readily be determined in which county the offense was  
20 committed, the offender may be tried in any county through  
21 which such railroad car, vehicle, watercraft or aircraft has  
22 passed.

23 (g) Theft.

24 A person who commits theft of property may be tried in any  
25 county in which he exerted control over such property.

26 (h) Bigamy.

1       A person who commits the offense of bigamy may be tried in  
2       any county where the bigamous marriage or bigamous  
3       cohabitation has occurred.

4       (i) Kidnaping.

5       A person who commits the offense of kidnaping may be tried  
6       in any county in which his victim has traveled or has been  
7       confined during the course of the offense.

8       (j) Pandering.

9       A person who commits the offense of pandering as set forth  
10      in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may  
11      be tried in any county in which the prostitution was practiced  
12      or in any county in which any act in furtherance of the offense  
13      shall have been committed.

14      (k) Treason.

15      A person who commits the offense of treason may be tried in  
16      any county.

17      (l) Criminal Defamation.

18      If criminal defamation is spoken, printed or written in  
19      one county and is received or circulated in another or other  
20      counties, the offender shall be tried in the county where the  
21      defamation is spoken, printed or written. If the defamation is  
22      spoken, printed or written outside this state, or the offender  
23      resides outside this state, the offender may be tried in any  
24      county in this state in which the defamation was circulated or  
25      received.

26      (m) Inchoate Offenses.

1       A person who commits an inchoate offense may be tried in  
2       any county in which any act which is an element of the offense,  
3       including the agreement in conspiracy, is committed.

4       (n) Accountability for Conduct of Another.

5       Where a person in one county solicits, aids, abets,  
6       agrees, or attempts to aid another in the planning or  
7       commission of an offense in another county, he may be tried for  
8       the offense in either county.

9       (o) Child Abduction.

10       A person who commits the offense of child abduction may be  
11       tried in any county in which his victim has traveled, been  
12       detained, concealed or removed to during the course of the  
13       offense. Notwithstanding the foregoing, unless for good cause  
14       shown, the preferred place of trial shall be the county of the  
15       residence of the lawful custodian.

16       (p) A person who commits the offense of narcotics  
17       racketeering may be tried in any county where cannabis or a  
18       controlled substance which is the basis for the charge of  
19       narcotics racketeering was used; acquired; transferred or  
20       distributed to, from or through; or any county where any act  
21       was performed to further the use; acquisition, transfer or  
22       distribution of said cannabis or controlled substance; any  
23       money, property, property interest, or any other asset  
24       generated by narcotics activities was acquired, used, sold,  
25       transferred or distributed to, from or through; or, any  
26       enterprise interest obtained as a result of narcotics

1 racketeering was acquired, used, transferred or distributed  
2 to, from or through, or where any activity was conducted by the  
3 enterprise or any conduct to further the interests of such an  
4 enterprise.

5 (q) A person who commits the offense of money laundering  
6 may be tried in any county where any part of a financial  
7 transaction in criminally derived property took place or in  
8 any county where any money or monetary instrument which is the  
9 basis for the offense was acquired, used, sold, transferred or  
10 distributed to, from or through.

11 (r) A person who commits the offense of cannabis  
12 trafficking, methamphetamine trafficking, or controlled  
13 substance trafficking may be tried in any county.

14 (s) A person who commits the offense of online sale of  
15 stolen property, online theft by deception, or electronic  
16 fencing may be tried in any county where any one or more  
17 elements of the offense took place, regardless of whether the  
18 element of the offense was the result of acts by the accused,  
19 the victim or by another person, and regardless of whether the  
20 defendant was ever physically present within the boundaries of  
21 the county.

22 (t) A person who commits the offense of identity theft or  
23 aggravated identity theft may be tried in any one of the  
24 following counties in which: (1) the offense occurred; (2) the  
25 information used to commit the offense was illegally used; or  
26 (3) the victim resides.

1           (u) A person who commits the offense of financial  
2 exploitation of an elderly person or a person with a  
3 disability may be tried in any one of the following counties in  
4 which: (1) any part of the offense occurred; or (2) the victim  
5 or one of the victims reside.

6           If a person is charged with more than one violation of  
7 identity theft or aggravated identity theft and those  
8 violations may be tried in more than one county, any of those  
9 counties is a proper venue for all of the violations.

10          (Source: P.A. 101-394, eff. 1-1-20.)

11          (720 ILCS 5/14-3)

12          Sec. 14-3. Exemptions. The following activities shall be  
13 exempt from the provisions of this Article:

14           (a) Listening to radio, wireless electronic  
15 communications, and television communications of any sort  
16 where the same are publicly made;

17           (b) Hearing conversation when heard by employees of  
18 any common carrier by wire incidental to the normal course  
19 of their employment in the operation, maintenance or  
20 repair of the equipment of such common carrier by wire so  
21 long as no information obtained thereby is used or  
22 divulged by the hearer;

23           (c) Any broadcast by radio, television or otherwise  
24 whether it be a broadcast or recorded for the purpose of  
25 later broadcasts of any function where the public is in

1 attendance and the conversations are overheard incidental  
2 to the main purpose for which such broadcasts are then  
3 being made;

4 (d) Recording or listening with the aid of any device  
5 to any emergency communication made in the normal course  
6 of operations by any federal, state or local law  
7 enforcement agency or institutions dealing in emergency  
8 services, including, but not limited to, hospitals,  
9 clinics, ambulance services, fire fighting agencies, any  
10 public utility, emergency repair facility, civilian  
11 defense establishment or military installation;

12 (e) Recording the proceedings of any meeting required  
13 to be open by the Open Meetings Act, as amended;

14 (f) Recording or listening with the aid of any device  
15 to incoming telephone calls of phone lines publicly listed  
16 or advertised as consumer "hotlines" by manufacturers or  
17 retailers of food and drug products. Such recordings must  
18 be destroyed, erased or turned over to local law  
19 enforcement authorities within 24 hours from the time of  
20 such recording and shall not be otherwise disseminated.  
21 Failure on the part of the individual or business  
22 operating any such recording or listening device to comply  
23 with the requirements of this subsection shall eliminate  
24 any civil or criminal immunity conferred upon that  
25 individual or business by the operation of this Section;

26 (g) With prior notification to the Attorney General or



1 the State's Attorney of the county in which it is to occur,  
2 recording or listening with the aid of any device to any  
3 conversation where a law enforcement officer, or any  
4 person acting at the direction of law enforcement, is a  
5 party to the conversation and has consented to it being  
6 intercepted or recorded under circumstances where the use  
7 of the device is necessary for the protection of the law  
8 enforcement officer or any person acting at the direction  
9 of law enforcement, in the course of an investigation of a  
10 forcible felony, a felony offense of involuntary  
11 servitude, involuntary sexual servitude of a minor, or  
12 trafficking in persons under Section 10-9 of this Code, an  
13 offense involving prostitution, solicitation of a sexual  
14 act, or pandering, a felony violation of the Illinois  
15 Controlled Substances Act, a felony violation of the  
16 Cannabis Control Act, a felony violation of the  
17 Methamphetamine Control and Community Protection Act, any  
18 "streetgang related" or "gang-related" felony as those  
19 terms are defined in the Illinois Streetgang Terrorism  
20 Omnibus Prevention Act, or any felony offense involving  
21 any weapon listed in paragraphs (1) through (11) of  
22 subsection (a) of Section 24-1 of this Code. Any recording  
23 or evidence derived as the result of this exemption shall  
24 be inadmissible in any proceeding, criminal, civil or  
25 administrative, except (i) where a party to the  
26 conversation suffers great bodily injury or is killed

1 during such conversation, or (ii) when used as direct  
2 impeachment of a witness concerning matters contained in  
3 the interception or recording. The Director of the  
4 Illinois State Police shall issue regulations as are  
5 necessary concerning the use of devices, retention of tape  
6 recordings, and reports regarding their use;

7 (g-5) (Blank);

8 (g-6) With approval of the Attorney General or the  
9 State's Attorney of the county in which it is to occur,  
10 recording or listening with the aid of any device to any  
11 conversation where a law enforcement officer, or any  
12 person acting at the direction of law enforcement, is a  
13 party to the conversation and has consented to it being  
14 intercepted or recorded in the course of an investigation  
15 of child pornography, aggravated child pornography,  
16 indecent solicitation of a child, luring of a minor,  
17 sexual exploitation of a child, aggravated criminal sexual  
18 abuse in which the victim of the offense was at the time of  
19 the commission of the offense under 18 years of age, or  
20 criminal sexual abuse by force or threat of force in which  
21 the victim of the offense was at the time of the commission  
22 of the offense under 18 years of age. In all such cases, an  
23 application for an order approving the previous or  
24 continuing use of an eavesdropping device must be made  
25 within 48 hours of the commencement of such use. In the  
26 absence of such an order, or upon its denial, any

1 continuing use shall immediately terminate. The Director  
2 of the Illinois State Police shall issue rules as are  
3 necessary concerning the use of devices, retention of  
4 recordings, and reports regarding their use. Any recording  
5 or evidence obtained or derived in the course of an  
6 investigation of child pornography, aggravated child  
7 pornography, indecent solicitation of a child, luring of a  
8 minor, sexual exploitation of a child, aggravated criminal  
9 sexual abuse in which the victim of the offense was at the  
10 time of the commission of the offense under 18 years of  
11 age, or criminal sexual abuse by force or threat of force  
12 in which the victim of the offense was at the time of the  
13 commission of the offense under 18 years of age shall,  
14 upon motion of the State's Attorney or Attorney General  
15 prosecuting any case involving child pornography,  
16 aggravated child pornography, indecent solicitation of a  
17 child, luring of a minor, sexual exploitation of a child,  
18 aggravated criminal sexual abuse in which the victim of  
19 the offense was at the time of the commission of the  
20 offense under 18 years of age, or criminal sexual abuse by  
21 force or threat of force in which the victim of the offense  
22 was at the time of the commission of the offense under 18  
23 years of age be reviewed in camera with notice to all  
24 parties present by the court presiding over the criminal  
25 case, and, if ruled by the court to be relevant and  
26 otherwise admissible, it shall be admissible at the trial

1 of the criminal case. Absent such a ruling, any such  
2 recording or evidence shall not be admissible at the trial  
3 of the criminal case;

4 (h) Recordings made simultaneously with the use of an  
5 in-car video camera recording of an oral conversation  
6 between a uniformed peace officer, who has identified his  
7 or her office, and a person in the presence of the peace  
8 officer whenever (i) an officer assigned a patrol vehicle  
9 is conducting an enforcement stop; or (ii) patrol vehicle  
10 emergency lights are activated or would otherwise be  
11 activated if not for the need to conceal the presence of  
12 law enforcement.

13 For the purposes of this subsection (h), "enforcement  
14 stop" means an action by a law enforcement officer in  
15 relation to enforcement and investigation duties,  
16 including but not limited to, traffic stops, pedestrian  
17 stops, abandoned vehicle contacts, motorist assists,  
18 commercial motor vehicle stops, roadside safety checks,  
19 requests for identification, or responses to requests for  
20 emergency assistance;

21 (h-5) Recordings of utterances made by a person while  
22 in the presence of a uniformed peace officer and while an  
23 occupant of a police vehicle including, but not limited  
24 to, (i) recordings made simultaneously with the use of an  
25 in-car video camera and (ii) recordings made in the  
26 presence of the peace officer utilizing video or audio

1 systems, or both, authorized by the law enforcement  
2 agency;

3 (h-10) Recordings made simultaneously with a video  
4 camera recording during the use of a taser or similar  
5 weapon or device by a peace officer if the weapon or device  
6 is equipped with such camera;

7 (h-15) Recordings made under subsection (h), (h-5), or  
8 (h-10) shall be retained by the law enforcement agency  
9 that employs the peace officer who made the recordings for  
10 a storage period of 90 days, unless the recordings are  
11 made as a part of an arrest or the recordings are deemed  
12 evidence in any criminal, civil, or administrative  
13 proceeding and then the recordings must only be destroyed  
14 upon a final disposition and an order from the court.  
15 Under no circumstances shall any recording be altered or  
16 erased prior to the expiration of the designated storage  
17 period. Upon completion of the storage period, the  
18 recording medium may be erased and reissued for  
19 operational use;

20 (i) Recording of a conversation made by or at the  
21 request of a person, not a law enforcement officer or  
22 agent of a law enforcement officer, who is a party to the  
23 conversation, under reasonable suspicion that another  
24 party to the conversation is committing, is about to  
25 commit, or has committed a criminal offense against the  
26 person or a member of his or her immediate household, and

1       there is reason to believe that evidence of the criminal  
2       offense may be obtained by the recording;

3       (j) The use of a telephone monitoring device by either  
4       (1) a corporation or other business entity engaged in  
5       marketing or opinion research or (2) a corporation or  
6       other business entity engaged in telephone solicitation,  
7       as defined in this subsection, to record or listen to oral  
8       telephone solicitation conversations or marketing or  
9       opinion research conversations by an employee of the  
10      corporation or other business entity when:

11           (i) the monitoring is used for the purpose of  
12           service quality control of marketing or opinion  
13           research or telephone solicitation, the education or  
14           training of employees or contractors engaged in  
15           marketing or opinion research or telephone  
16           solicitation, or internal research related to  
17           marketing or opinion research or telephone  
18           solicitation; and

19           (ii) the monitoring is used with the consent of at  
20           least one person who is an active party to the  
21           marketing or opinion research conversation or  
22           telephone solicitation conversation being monitored.

23       No communication or conversation or any part, portion,  
24       or aspect of the communication or conversation made,  
25       acquired, or obtained, directly or indirectly, under this  
26       exemption (j), may be, directly or indirectly, furnished

1 to any law enforcement officer, agency, or official for  
2 any purpose or used in any inquiry or investigation, or  
3 used, directly or indirectly, in any administrative,  
4 judicial, or other proceeding, or divulged to any third  
5 party.

6 When recording or listening authorized by this  
7 subsection (j) on telephone lines used for marketing or  
8 opinion research or telephone solicitation purposes  
9 results in recording or listening to a conversation that  
10 does not relate to marketing or opinion research or  
11 telephone solicitation; the person recording or listening  
12 shall, immediately upon determining that the conversation  
13 does not relate to marketing or opinion research or  
14 telephone solicitation, terminate the recording or  
15 listening and destroy any such recording as soon as is  
16 practicable.

17 Business entities that use a telephone monitoring or  
18 telephone recording system pursuant to this exemption (j)  
19 shall provide current and prospective employees with  
20 notice that the monitoring or recordings may occur during  
21 the course of their employment. The notice shall include  
22 prominent signage notification within the workplace.

23 Business entities that use a telephone monitoring or  
24 telephone recording system pursuant to this exemption (j)  
25 shall provide their employees or agents with access to  
26 personal-only telephone lines which may be pay telephones,

1       that are not subject to telephone monitoring or telephone  
2       recording.

3       For the purposes of this subsection (j), "telephone  
4       solicitation" means a communication through the use of a  
5       telephone by live operators:

6               (i) soliciting the sale of goods or services;

7               (ii) receiving orders for the sale of goods or  
8       services;

9               (iii) assisting in the use of goods or services;

10       or

11               (iv) engaging in the solicitation, administration,  
12       or collection of bank or retail credit accounts.

13       For the purposes of this subsection (j), "marketing or  
14       opinion research" means a marketing or opinion research  
15       interview conducted by a live telephone interviewer  
16       engaged by a corporation or other business entity whose  
17       principal business is the design, conduct, and analysis of  
18       polls and surveys measuring the opinions, attitudes, and  
19       responses of respondents toward products and services, or  
20       social or political issues, or both;

21       (k) Electronic recordings, including but not limited  
22       to, a motion picture, videotape, digital, or other visual  
23       or audio recording, made of a custodial interrogation of  
24       an individual at a police station or other place of  
25       detention by a law enforcement officer under Section  
26       5-401.5 of the Juvenile Court Act of 1987 or Section



1 103-2.1 of the Code of Criminal Procedure of 1963;

2 (1) Recording the interview or statement of any person  
3 when the person knows that the interview is being  
4 conducted by a law enforcement officer or prosecutor and  
5 the interview takes place at a police station that is  
6 currently participating in the Custodial Interview Pilot  
7 Program established under the Illinois Criminal Justice  
8 Information Act;

9 (m) An electronic recording, including, but not  
10 limited to, a motion picture, videotape, digital, or other  
11 visual or audio recording, made of the interior of a  
12 school bus while the school bus is being used in the  
13 transportation of students to and from school and  
14 school-sponsored activities, when the school board has  
15 adopted a policy authorizing such recording, notice of  
16 such recording policy is included in student handbooks and  
17 other documents including the policies of the school,  
18 notice of the policy regarding recording is provided to  
19 parents of students, and notice of such recording is  
20 clearly posted on the door of and inside the school bus.

21 Recordings made pursuant to this subsection (m) shall  
22 be confidential records and may only be used by school  
23 officials (or their designees) and law enforcement  
24 personnel for investigations, school disciplinary actions  
25 and hearings, proceedings under the Juvenile Court Act of  
26 1987, and criminal prosecutions, related to incidents

1 occurring in or around the school bus;

2 (n) Recording or listening to an audio transmission  
3 from a microphone placed by a person under the authority  
4 of a law enforcement agency inside a bait car surveillance  
5 vehicle while simultaneously capturing a photographic or  
6 video image;

7 (o) The use of an eavesdropping camera or audio device  
8 during an ongoing hostage or barricade situation by a law  
9 enforcement officer or individual acting on behalf of a  
10 law enforcement officer when the use of such device is  
11 necessary to protect the safety of the general public,  
12 hostages, or law enforcement officers or anyone acting on  
13 their behalf;

14 (p) Recording or listening with the aid of any device  
15 to incoming telephone calls of phone lines publicly listed  
16 or advertised as the "CPS Violence Prevention Hotline",  
17 but only where the notice of recording is given at the  
18 beginning of each call as required by Section 34-21.8 of  
19 the School Code. The recordings may be retained only by  
20 the Chicago Police Department or other law enforcement  
21 authorities, and shall not be otherwise retained or  
22 disseminated;

23 (q)(1) With prior request to and written or verbal  
24 approval of the Attorney General or the State's Attorney  
25 of the county in which the conversation is anticipated to  
26 occur, recording or listening with the aid of an

1 eavesdropping device to a conversation in which a law  
2 enforcement officer, or any person acting at the direction  
3 of a law enforcement officer, is a party to the  
4 conversation and has consented to the conversation being  
5 intercepted or recorded in the course of an investigation  
6 of a qualified offense. The Attorney General or the  
7 State's Attorney may grant this approval only after  
8 determining that reasonable cause exists to believe that  
9 inculpatory conversations concerning a qualified offense  
10 will occur with a specified individual or individuals  
11 within a designated period of time.

12 (2) Request for approval. To invoke the exception  
13 contained in this subsection (q), a law enforcement  
14 officer shall make a request for approval to the Attorney  
15 General or the appropriate State's Attorney. The request  
16 may be written or verbal; however, a written  
17 memorialization of the request must be made by the  
18 Attorney General or the State's Attorney. This request for  
19 approval shall include whatever information is deemed  
20 necessary by the Attorney General or the State's Attorney  
21 but shall include, at a minimum, the following information  
22 about each specified individual whom the law enforcement  
23 officer believes will commit a qualified offense:

24 (A) his or her full or partial name, nickname or  
25 alias;

26 (B) a physical description; or

1 (C) failing either (A) or (B) of this paragraph  
2 (2), any other supporting information known to the law  
3 enforcement officer at the time of the request that  
4 gives rise to reasonable cause to believe that the  
5 specified individual will participate in an  
6 inculpatory conversation concerning a qualified  
7 offense.

8 (3) Limitations on approval. Each written approval by  
9 the Attorney General or the State's Attorney under this  
10 subsection (q) shall be limited to:

11 (A) a recording or interception conducted by a  
12 specified law enforcement officer or person acting at  
13 the direction of a law enforcement officer;

14 (B) recording or intercepting conversations with  
15 the individuals specified in the request for approval,  
16 provided that the verbal approval shall be deemed to  
17 include the recording or intercepting of conversations  
18 with other individuals, unknown to the law enforcement  
19 officer at the time of the request for approval, who  
20 are acting in conjunction with or as co-conspirators  
21 with the individuals specified in the request for  
22 approval in the commission of a qualified offense;

23 (C) a reasonable period of time but in no event  
24 longer than 24 consecutive hours;

25 (D) the written request for approval, if  
26 applicable, or the written memorialization must be

1 filed, along with the written approval, with the  
2 circuit clerk of the jurisdiction on the next business  
3 day following the expiration of the authorized period  
4 of time, and shall be subject to review by the Chief  
5 Judge or his or her designee as deemed appropriate by  
6 the court.

7 (3.5) The written memorialization of the request for  
8 approval and the written approval by the Attorney General  
9 or the State's Attorney may be in any format, including  
10 via facsimile, email, or otherwise, so long as it is  
11 capable of being filed with the circuit clerk.

12 (3.10) Beginning March 1, 2015, the Attorney General  
13 and each State's Attorney shall annually submit a report  
14 to the General Assembly disclosing:

15 (A) the number of requests for each qualified  
16 offense for approval under this subsection; and

17 (B) the number of approvals for each qualified  
18 offense given by the Attorney General or the State's  
19 Attorney.

20 (4) Admissibility of evidence. No part of the contents  
21 of any wire, electronic, or oral communication that has  
22 been recorded or intercepted as a result of this exception  
23 may be received in evidence in any trial, hearing, or  
24 other proceeding in or before any court, grand jury,  
25 department, officer, agency, regulatory body, legislative  
26 committee, or other authority of this State, or a

1 political subdivision of the State, other than in a  
2 prosecution of:

3 (A) the qualified offense for which approval was  
4 given to record or intercept a conversation under this  
5 subsection (q);

6 (B) a forcible felony committed directly in the  
7 course of the investigation of the qualified offense  
8 for which approval was given to record or intercept a  
9 conversation under this subsection (q); or

10 (C) any other forcible felony committed while the  
11 recording or interception was approved in accordance  
12 with this subsection (q), but for this specific  
13 category of prosecutions, only if the law enforcement  
14 officer or person acting at the direction of a law  
15 enforcement officer who has consented to the  
16 conversation being intercepted or recorded suffers  
17 great bodily injury or is killed during the commission  
18 of the charged forcible felony.

19 (5) Compliance with the provisions of this subsection  
20 is a prerequisite to the admissibility in evidence of any  
21 part of the contents of any wire, electronic or oral  
22 communication that has been intercepted as a result of  
23 this exception, but nothing in this subsection shall be  
24 deemed to prevent a court from otherwise excluding the  
25 evidence on any other ground recognized by State or  
26 federal law, nor shall anything in this subsection be

1       deemed to prevent a court from independently reviewing the  
2       admissibility of the evidence for compliance with the  
3       Fourth Amendment to the U.S. Constitution or with Article  
4       I, Section 6 of the Illinois Constitution.

5       (6) Use of recordings or intercepts unrelated to  
6       qualified offenses. Whenever any private conversation or  
7       private electronic communication has been recorded or  
8       intercepted as a result of this exception that is not  
9       related to an offense for which the recording or intercept  
10      is admissible under paragraph (4) of this subsection (q),  
11      no part of the contents of the communication and evidence  
12      derived from the communication may be received in evidence  
13      in any trial, hearing, or other proceeding in or before  
14      any court, grand jury, department, officer, agency,  
15      regulatory body, legislative committee, or other authority  
16      of this State, or a political subdivision of the State,  
17      nor may it be publicly disclosed in any way.

18      (6.5) The Illinois State Police shall adopt rules as  
19      are necessary concerning the use of devices, retention of  
20      recordings, and reports regarding their use under this  
21      subsection (q).

22      (7) Definitions. For the purposes of this subsection  
23      (q) only:

24              "Attorney General" includes and is limited to the  
25              Attorney General or an Assistant Attorney General  
26              designated by the Attorney General to provide verbal

1       approval to record or intercept conversations under  
2       this subsection (q).

3               "Forcible felony" includes and is limited to those  
4       offenses contained in Section 2-8 of the Criminal Code  
5       of 1961 as of the effective date of this amendatory Act  
6       of the 97th General Assembly, and only as those  
7       offenses have been defined by law or judicial  
8       interpretation as of that date.

9               "Qualified offense" means and is limited to:

10              (A) a felony violation of the Cannabis Control  
11       Act, the Illinois Controlled Substances Act, or  
12       the Methamphetamine Control and Community  
13       Protection Act, except for violations of:

14              (i) Section 4 of the Cannabis Control Act;

15              (ii) Section 402 of the Illinois  
16       Controlled Substances Act; and

17              (iii) Section 60 of the Methamphetamine  
18       Control and Community Protection Act; and

19              (B) first degree murder, solicitation of  
20       murder for hire, predatory criminal sexual assault  
21       of a child, criminal sexual assault, aggravated  
22       criminal sexual assault, aggravated arson,  
23       kidnapping, aggravated kidnapping, child  
24       abduction, trafficking in persons, involuntary  
25       servitude, involuntary sexual servitude of a  
26       minor, or gunrunning.



1           "State's Attorney" includes and is limited to the  
2           State's Attorney or an assistant State's Attorney  
3           designated by the State's Attorney to provide verbal  
4           approval to record or intercept conversations under  
5           this subsection (q).

6           (8) Sunset. This subsection (q) is inoperative on and  
7           after January 1, 2027. No conversations intercepted  
8           pursuant to this subsection (q), while operative, shall be  
9           inadmissible in a court of law by virtue of the  
10          inoperability of this subsection (q) on January 1, 2027.

11          (9) Recordings, records, and custody. Any private  
12          conversation or private electronic communication  
13          intercepted by a law enforcement officer or a person  
14          acting at the direction of law enforcement shall, if  
15          practicable, be recorded in such a way as will protect the  
16          recording from editing or other alteration. Any and all  
17          original recordings made under this subsection (q) shall  
18          be inventoried without unnecessary delay pursuant to the  
19          law enforcement agency's policies for inventorying  
20          evidence. The original recordings shall not be destroyed  
21          except upon an order of a court of competent jurisdiction;  
22          and

23          (r) Electronic recordings, including but not limited  
24          to, motion picture, videotape, digital, or other visual or  
25          audio recording, made of a lineup under Section 107A-2 of  
26          the Code of Criminal Procedure of 1963.

1 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
2 102-918, eff. 5-27-22.)

3 Section 10. The Code of Criminal Procedure of 1963 is  
4 amended by changing Sections 108A-1, 108A-3, 108A-6, and  
5 108A-11 as follows:

6 (725 ILCS 5/108A-1) (from Ch. 38, par. 108A-1)

7 Sec. 108A-1. Authorization for use of eavesdropping  
8 device. The Attorney General or an Assistant Attorney General  
9 authorized by the Attorney General or the State's Attorney or  
10 an Assistant State's Attorney authorized by the State's  
11 Attorney may authorize an application to a circuit judge or an  
12 associate judge assigned by the Chief Judge of the circuit  
13 for, and such judge may grant in conformity with this Article,  
14 an order authorizing or approving the use of an eavesdropping  
15 device by a law enforcement officer or agency having the  
16 responsibility for the investigation of any felony under  
17 Illinois law where any one party to a conversation to be  
18 monitored, or previously monitored in the case of an emergency  
19 situation as defined in this Article, has consented to such  
20 monitoring.

21 The Chief Judge of the circuit may assign to associate  
22 judges the power to issue orders authorizing or approving the  
23 use of eavesdropping devices by law enforcement officers or  
24 agencies in accordance with this Article. After assignment by

1 the Chief Judge, an associate judge shall have plenary  
2 authority to issue such orders without additional  
3 authorization for each specific application made to him by the  
4 Attorney General or the State's Attorney until such time as  
5 the associate judge's power is rescinded by the Chief Judge.

6 (Source: P.A. 92-413, eff. 8-17-01.)

7 (725 ILCS 5/108A-3) (from Ch. 38, par. 108A-3)

8 Sec. 108A-3. Procedure for Obtaining Judicial Approval of  
9 Use of Eavesdropping Device. (a) Where any one party to a  
10 conversation to occur in the future has consented to the use of  
11 an eavesdropping device to overhear or record the  
12 conversation, a judge may grant approval to an application to  
13 use an eavesdropping device pursuant to the provisions of this  
14 section.

15 Each application for an order authorizing or subsequently  
16 approving the use of an eavesdropping device shall be made in  
17 writing upon oath or affirmation to a circuit judge, or an  
18 associate judge assigned for such purpose pursuant to Section  
19 108A-1 of this Code, and shall state the applicant's authority  
20 to make such application. Each application shall include the  
21 following:

22 (1) the identity of the investigative or law enforcement  
23 officer making the application and the Attorney General or the  
24 State's Attorney authorizing the application;

25 (2) a statement of the facts and circumstances relied upon

1 by the applicant to justify his belief that an order should be  
2 issued including: (a) details as to the felony that has been,  
3 is being, or is about to be committed; (b) a description of the  
4 type of communication sought to be monitored; (c) the identity  
5 of the party to the expected conversation consenting to the  
6 use of an eavesdropping device; (d) the identity of the  
7 person, if known, whose conversations are to be overheard by  
8 the eavesdropping device;

9 (3) a statement of the period of time for which the use of  
10 the device is to be maintained or, if the nature of the  
11 investigation is such that the authorization for use of the  
12 device should not terminate automatically when the described  
13 type of communication is overheard or recorded, a description  
14 of facts establishing reasonable cause to believe that  
15 additional conversations of the same type will occur  
16 thereafter;

17 (4) a statement of the existence of all previous  
18 applications known to the individual making the application  
19 which have been made to any judge requesting permission to use  
20 an eavesdropping device involving the same persons in the  
21 present application, and the action taken by the judge on the  
22 previous applications;

23 (5) when the application is for an extension of an order, a  
24 statement setting forth the results so far obtained from the  
25 use of the eavesdropping device or an explanation of the  
26 failure to obtain such results.

1 (b) The judge may request the applicant to furnish  
2 additional testimony, witnesses, or evidence in support of the  
3 application.

4 (Source: P.A. 86-391.)

5 (725 ILCS 5/108A-6) (from Ch. 38, par. 108A-6)

6 Sec. 108A-6. Emergency Exception to Procedures. (a)  
7 Notwithstanding any other provisions of this Article, any  
8 investigative or law enforcement officer, upon approval of the  
9 Attorney General or a State's Attorney, or without it if a  
10 reasonable effort has been made to contact the Attorney  
11 General or the appropriate State's Attorney, may use an  
12 eavesdropping device in an emergency situation as defined in  
13 this Section. Such use must be in accordance with the  
14 provisions of this Section and may be allowed only where the  
15 officer reasonably believes that an order permitting the use  
16 of the device would issue were there a prior hearing.

17 An emergency situation exists when, without previous  
18 notice to the law enforcement officer sufficient to obtain  
19 prior judicial approval, the conversation to be overheard or  
20 recorded will occur within a short period of time, the use of  
21 the device is necessary for the protection of the law  
22 enforcement officer or it will occur in a situation involving  
23 a clear and present danger of imminent death or great bodily  
24 harm to persons resulting from: (1) a kidnapping or the  
25 holding of a hostage by force or the threat of the imminent use

1 of force; or (2) the occupation by force or the threat of the  
2 imminent use of force of any premises, place, vehicle, vessel  
3 or aircraft; or (3) any violation of Article 29D.

4 (b) In all such cases, an application for an order  
5 approving the previous or continuing use of an eavesdropping  
6 device must be made within 48 hours of the commencement of such  
7 use. In the absence of such an order, or upon its denial, any  
8 continuing use shall immediately terminate.

9 In order to approve such emergency use, the judge must  
10 make a determination (1) that he would have granted an order  
11 had the information been before the court prior to the use of  
12 the device and (2) that there was an emergency situation as  
13 defined in this Section.

14 (c) In the event that an application for approval under  
15 this Section is denied the contents of the conversations  
16 overheard or recorded shall be treated as having been obtained  
17 in violation of this Article.

18 (Source: P.A. 92-854, eff. 12-5-02.)

19 (725 ILCS 5/108A-11) (from Ch. 38, par. 108A-11)

20 Sec. 108A-11. Reports concerning use of eavesdropping  
21 devices.

22 (a) In January of each year the Attorney General and the  
23 State's Attorney of each county in which eavesdropping devices  
24 were used pursuant to the provisions of this Article shall  
25 report to the Illinois State Police the following with respect

1 to each application for an order authorizing the use of an  
2 eavesdropping device, or an extension thereof, made during the  
3 preceding calendar year:

4 (1) the fact that such an order, extension, or  
5 subsequent approval of an emergency was applied for;

6 (2) the kind of order or extension applied for;

7 (3) a statement as to whether the order or extension  
8 was granted as applied for was modified, or was denied;

9 (4) the period authorized by the order or extensions  
10 in which an eavesdropping device could be used;

11 (5) the felony specified in the order extension or  
12 denied application;

13 (6) the identity of the applying investigative or law  
14 enforcement officer and agency making the application and  
15 the Attorney General or the State's Attorney authorizing  
16 the application; and

17 (7) the nature of the facilities from which or the  
18 place where the eavesdropping device was to be used.

19 (b) Such report shall also include the following:

20 (1) a general description of the uses of eavesdropping  
21 devices actually made under such order to overheard or  
22 record conversations, including: (a) the approximate  
23 nature and frequency of incriminating conversations  
24 overheard, (b) the approximate nature and frequency of  
25 other conversations overheard, (c) the approximate number  
26 of persons whose conversations were overheard, and (d) the

1        approximate nature, amount, and cost of the manpower and  
2        other resources used pursuant to the authorization to use  
3        an eavesdropping device;

4            (2) the number of arrests resulting from authorized  
5        uses of eavesdropping devices and the offenses for which  
6        arrests were made;

7            (3) the number of trials resulting from such uses of  
8        eavesdropping devices;

9            (4) the number of motions to suppress made with  
10       respect to such uses, and the number granted or denied;  
11       and

12           (5) the number of convictions resulting from such uses  
13       and the offenses for which the convictions were obtained  
14       and a general assessment of the importance of the  
15       convictions.

16        (c) In April of each year, the Illinois State Police shall  
17       transmit to the General Assembly a report including  
18       information on the number of applications for orders  
19       authorizing the use of eavesdropping devices, the number of  
20       orders and extensions granted or denied during the preceding  
21       calendar year, and the convictions arising out of such uses.

22        The requirement for reporting to the General Assembly  
23       shall be satisfied by filing copies of the report as required  
24       by Section 3.1 of the General Assembly Organization Act, and  
25       filing such additional copies with the State Government Report  
26       Distribution Center for the General Assembly as is required



1 under paragraph (t) of Section 7 of the State Library Act.

2 (Source: P.A. 102-538, eff. 8-20-21.)

3 Section 15. The Statewide Grand Jury Act is amended by  
4 changing Sections 2, 3, and 4 as follows:

5 (725 ILCS 215/2) (from Ch. 38, par. 1702)

6 Sec. 2. (a) County grand juries and State's Attorneys have  
7 always had and shall continue to have primary responsibility  
8 for investigating, indicting, and prosecuting persons who  
9 violate the criminal laws of the State of Illinois. However,  
10 in recent years organized terrorist activity directed against  
11 innocent civilians and certain criminal enterprises have  
12 developed that require investigation, indictment, and  
13 prosecution on a statewide or multicounty level. The criminal  
14 enterprises exist as a result of the allure of profitability  
15 present in narcotic activity, the unlawful sale and transfer  
16 of firearms, and streetgang related felonies and organized  
17 terrorist activity is supported by the contribution of money  
18 and expert assistance from geographically diverse sources. In  
19 order to shut off the life blood of terrorism and weaken or  
20 eliminate the criminal enterprises, assets, and property used  
21 to further these offenses must be frozen, and any profit must  
22 be removed. State statutes exist that can accomplish that  
23 goal. Among them are the offense of money laundering,  
24 violations of Article 29D of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,  
2 and gunrunning. Local prosecutors need investigative personnel  
3 and specialized training to attack and eliminate these  
4 profits. In light of the transitory and complex nature of  
5 conduct that constitutes these criminal activities, the many  
6 diverse property interests that may be used, acquired directly  
7 or indirectly as a result of these criminal activities, and  
8 the many places that illegally obtained property may be  
9 located, it is the purpose of this Act to create a limited,  
10 multicounty Statewide Grand Jury with authority to  
11 investigate, indict, and prosecute: narcotic activity,  
12 including cannabis and controlled substance trafficking,  
13 narcotics racketeering, money laundering, violations of the  
14 Cannabis and Controlled Substances Tax Act, and violations of  
15 Article 29D of the Criminal Code of 1961 or the Criminal Code  
16 of 2012; the unlawful sale and transfer of firearms;  
17 gunrunning; and streetgang related felonies.

18 (b) A Statewide Grand Jury may also investigate, indict,  
19 and prosecute violations facilitated by the use of a computer  
20 of any of the following offenses: indecent solicitation of a  
21 child, sexual exploitation of a child, soliciting for a  
22 juvenile prostitute, keeping a place of juvenile prostitution,  
23 juvenile pimping, child pornography, aggravated child  
24 pornography, obscene depiction of a purported child,  
25 non-consensual dissemination of sexually explicit digitized  
26 depictions, or promoting juvenile prostitution except as

1 described in subdivision (a)(4) of Section 11-14.4 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 (c) A Statewide Grand Jury may also investigate, indict,  
4 and prosecute violations of theft, retail theft, organized  
5 retail crime, Internet offenses, continuing financial crimes  
6 enterprise, vehicular hijacking, aggravated vehicular  
7 hijacking, vehicular invasion, burglary, residential burglary,  
8 and home invasion.

9 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

10 (725 ILCS 215/3) (from Ch. 38, par. 1703)

11 Sec. 3. Written application for the appointment of a  
12 Circuit Judge to convene and preside over a Statewide Grand  
13 Jury, with jurisdiction extending throughout the State, shall  
14 be made to the Chief Justice of the Supreme Court. Upon such  
15 written application, the Chief Justice of the Supreme Court  
16 shall appoint a Circuit Judge from the circuit where the  
17 Statewide Grand Jury is being sought to be convened, who shall  
18 make a determination that the convening of a Statewide Grand  
19 Jury is necessary.

20 In such application the Attorney General shall state that  
21 the convening of a Statewide Grand Jury is necessary because  
22 of an alleged offense or offenses set forth in this Section  
23 involving more than one county of the State and identifying  
24 any such offense alleged; and

25 (a) that he or she believes that the grand jury

1 function for the investigation and indictment of the  
2 offense or offenses cannot effectively be performed by a  
3 county grand jury together with the reasons for such  
4 belief, and

5 (b) (1) that each State's Attorney with jurisdiction  
6 over an offense or offenses to be investigated has  
7 consented to the impaneling of the Statewide Grand Jury,  
8 or

9 (2) if one or more of the State's Attorneys having  
10 jurisdiction over an offense or offenses to be  
11 investigated fails to consent to the impaneling of the  
12 Statewide Grand Jury, the Attorney General shall set forth  
13 good cause for impaneling the Statewide Grand Jury.

14 If the Circuit Judge determines that the convening of a  
15 Statewide Grand Jury is necessary, he or she shall convene and  
16 impanel the Statewide Grand Jury with jurisdiction extending  
17 throughout the State to investigate and return indictments:

18 (a) For violations of any of the following or for any  
19 other criminal offense committed in the course of  
20 violating any of the following: Article 29D of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, the  
22 Illinois Controlled Substances Act, the Cannabis Control  
23 Act, the Methamphetamine Control and Community Protection  
24 Act, or the Narcotics Profit Forfeiture Act; a streetgang  
25 related felony offense; Section 16-1, 16-25, 16-25.1,  
26 16-40, 17-10.6(h), 18-3, 18-4, 18-6, 19-1, 19-3, 19-6,

1 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4,  
2 or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),  
3 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code  
4 of 1961 or the Criminal Code of 2012; or a money laundering  
5 offense; provided that the violation or offense involves  
6 acts occurring in more than one county of this State; and

7 (a-5) For violations facilitated by the use of a  
8 computer, including the use of the Internet, the World  
9 Wide Web, electronic mail, message board, newsgroup, or  
10 any other commercial or noncommercial on-line service, of  
11 any of the following offenses: indecent solicitation of a  
12 child, sexual exploitation of a child, soliciting for a  
13 juvenile prostitute, keeping a place of juvenile  
14 prostitution, juvenile pimping, child pornography,  
15 aggravated child pornography, obscene depiction of a  
16 purported child, non-consensual dissemination of sexually  
17 explicit digitized depictions, or promoting juvenile  
18 prostitution except as described in subdivision (a)(4) of  
19 Section 11-14.4 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012; and

21 (b) For the offenses of perjury, subornation of  
22 perjury, communicating with jurors and witnesses, and  
23 harassment of jurors and witnesses, as they relate to  
24 matters before the Statewide Grand Jury.

25 "Streetgang related" has the meaning ascribed to it in  
26 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 Upon written application by the Attorney General for the  
3 convening of an additional Statewide Grand Jury, the Chief  
4 Justice of the Supreme Court shall appoint a Circuit Judge  
5 from the circuit for which the additional Statewide Grand Jury  
6 is sought. The Circuit Judge shall determine the necessity for  
7 an additional Statewide Grand Jury in accordance with the  
8 provisions of this Section. No more than 2 Statewide Grand  
9 Juries may be empaneled at any time.

10 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

11 (725 ILCS 215/4) (from Ch. 38, par. 1704)

12 Sec. 4. (a) The presiding judge of the Statewide Grand  
13 Jury will receive recommendations from the Attorney General as  
14 to the county in which the Grand Jury will sit. Prior to making  
15 the recommendations, the Attorney General shall obtain the  
16 permission of the local State's Attorney to use his or her  
17 county for the site of the Statewide Grand Jury. Upon  
18 receiving the Attorney General's recommendations, the  
19 presiding judge will choose one of those recommended locations  
20 as the site where the Grand Jury shall sit.

21 Any indictment by a Statewide Grand Jury shall be returned  
22 to the Circuit Judge presiding over the Statewide Grand Jury  
23 and shall include a finding as to the county or counties in  
24 which the alleged offense was committed. Thereupon, the judge  
25 shall, by order, designate the county of venue for the purpose

1 of trial. The judge may also, by order, direct the  
2 consolidation of an indictment returned by a county grand jury  
3 with an indictment returned by the Statewide Grand Jury and  
4 set venue for trial.

5 (b) Venue for purposes of trial for the offense of  
6 narcotics racketeering shall be proper in any county where:

7 (1) Cannabis or a controlled substance which is the  
8 basis for the charge of narcotics racketeering was used;  
9 acquired; transferred or distributed to, from or through;  
10 or any county where any act was performed to further the  
11 use; acquisition, transfer or distribution of said  
12 cannabis or controlled substance; or

13 (2) Any money, property, property interest, or any  
14 other asset generated by narcotics activities was  
15 acquired, used, sold, transferred or distributed to, from  
16 or through; or,

17 (3) Any enterprise interest obtained as a result of  
18 narcotics racketeering was acquired, used, transferred or  
19 distributed to, from or through, or where any activity was  
20 conducted by the enterprise or any conduct to further the  
21 interests of such an enterprise.

22 (c) Venue for purposes of trial for the offense of money  
23 laundering shall be proper in any county where any part of a  
24 financial transaction in criminally derived property took  
25 place, or in any county where any money or monetary interest  
26 which is the basis for the offense, was acquired, used, sold,

1 transferred or distributed to, from, or through.

2 (d) A person who commits the offense of cannabis  
3 trafficking, methamphetamine trafficking, or controlled  
4 substance trafficking may be tried in any county.

5 (e) Venue for purposes of trial for any violation of  
6 Article 29D of the Criminal Code of 1961 or the Criminal Code  
7 of 2012 may be in the county in which an act of terrorism  
8 occurs, the county in which material support or resources are  
9 provided or solicited, the county in which criminal assistance  
10 is rendered, or any county in which any act in furtherance of  
11 any violation of Article 29D of the Criminal Code of 1961 or  
12 the Criminal Code of 2012 occurs.

13 (f) Venue for purposes of trial for the offense of  
14 organized retail crime shall be proper in any county where:

15 (1) any property, property interest, asset, money, or  
16 thing of value that is the basis for the charge of  
17 organized retail crime was used, acquired, transferred, or  
18 distributed to, from, or through; or any county where any  
19 act was performed to further the use, acquisition,  
20 transfer, or distribution of the property, property  
21 interest, asset, money, or thing or value; or

22 (2) any enterprise interest obtained as a result of  
23 organized retail crime was acquired, used, transferred, or  
24 distributed to, from, or through, or where any activity  
25 was conducted by the enterprise or any conduct to further  
26 the interests of such an enterprise.



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1 (Source: P.A. 102-757, eff. 5-13-22.)