



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4138

Introduced 10/15/2025, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-10

from Ch. 38, par. 108-10

Amends the Search and Seizure Article of the Code of Criminal Procedure of 1963. Provides that telecommunications carriers shall return all electronic instruments, articles, or things within 36 hours if the search warrant was issued pursuant to an investigation of a forcible felony.

LRB104 15465 RLC 28623 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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 108-10 as follows:

6 (725 ILCS 5/108-10) (from Ch. 38, par. 108-10)

7 Sec. 108-10. Return to court of things seized.

8 A return of all instruments, articles or things seized
9 shall be made without unnecessary delay before the judge
10 issuing the warrant or before any judge named in the warrant or
11 before any court of competent jurisdiction. Telecommunications
12 carriers shall return all electronic instruments, articles, or
13 things within 36 hours if the search warrant was issued
14 pursuant to an investigation of a forcible felony. An
15 inventory of any instruments, articles or things seized shall
16 be filed with the return and signed under oath by the officer
17 or person executing the warrant. The judge shall upon request
18 deliver a copy of the inventory to the person from whom or from
19 whose premises the instruments, articles or things were taken
20 and to the applicant for the warrant.

21 (Source: Laws 1963, p. 2836.)