



Sen. John J. Cullerton

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09300HB1018sam001

LRB093 05529 RLC 49783 a

1 AMENDMENT TO HOUSE BILL 1018

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1018 by replacing  
3 the title with the following:

4 "AN ACT in relation to crime stoppers programs."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 1. Short title. This Act may be cited as the  
8 Crime Stoppers Program Act.

9 Section 5. Definition. In this Act, "crime stoppers  
10 program" means a program that meets each of the following  
11 requirements:

12 (a) The purpose of the program is to obtain information on  
13 persons wanted for crimes and other criminal activity.

14 (b) The program has a law enforcement coordinator who  
15 forwards information obtained by the program to the appropriate  
16 law enforcement agency.

17 (c) The program allows the person submitting information to  
18 remain anonymous.

19 (d) The program operates in conjunction with a law  
20 enforcement agency or Office of the State's Attorney.

21 (e) The program has a civilian board of directors, is  
22 incorporated in the State of Illinois, and is certified by the  
23 Illinois State Crime Stoppers Association.

1 Section 10. Certification of programs. The Illinois State  
2 Crime Stoppers Association shall certify Crime Stoppers  
3 programs in this State. On or after the effective date of this  
4 Act, a person or agency that is not a certified Crime Stoppers  
5 program may not use the name "Crime Stoppers". The Attorney  
6 General may enforce this Section through injunctive or other  
7 appropriate relief.

8 Section 105. The Code of Civil Procedure is amended by  
9 adding Section 8-802.3 as follows:

10 (735 ILCS 5/8-802.3 new)

11 Sec. 8-802.3. Privilege for information provided to a  
12 Crime Stoppers program.

13 (a) Unless such nondisclosure will infringe the  
14 constitutional rights of the accused, the identity of a person  
15 who submits information of a criminal act to a Crime Stoppers  
16 program is privileged information and may not be disclosed in  
17 any judicial or administrative proceeding.

18 (b) Disclosure of information privileged under subsection  
19 (a) may be sought by subpoena or through a request for  
20 production, notice shall be given to the State's Attorney or  
21 other prosecuting authority and the relevant Crime Stoppers  
22 program, of the specific information sought upon issuance of  
23 the subpoena. Subpoenaed information or information sent  
24 through a request for production shall be sent directly to the  
25 court and the party responding to a subpoena or a request for  
26 production shall give notice to the State's Attorney or other  
27 prosecuting authority and the relevant Crime Stoppers program  
28 that such material has been sent to a court.

29 (c) If the State's Attorney or other prosecuting authority,  
30 or the relevant Crime Stoppers program, objects to the  
31 disclosure of the information sought by subpoena or by a

1 request to produce, the court shall conduct an in camera  
2 inspection of the information, after which a hearing shall be  
3 required before such privileged information is disclosed. The  
4 party seeking disclosure of privileged information has the  
5 burden of proving by clear and convincing evidence at the  
6 hearing that the production of the privileged information is  
7 necessary to ensure the constitutional rights of the accused.  
8 If no objection is made within 30 days from the date of the  
9 notice required to be made by the party responding to the  
10 subpoena or request to produce, the court shall release the  
11 information to the party seeking its disclosure.

12 (d) Disclosure of the identity of witnesses to be produced  
13 at a hearing or trial shall not be denied under this Section.  
14 Nothing in this Section shall be construed to require a Crime  
15 Stoppers program to acquire or retain personal information from  
16 informants wishing to remain anonymous.

17 (e) In this Section, "Crime Stoppers program" means a  
18 program certified by the Illinois State Crime Stoppers  
19 Association under the Crime Stoppers Program Act."