

1 AN ACT in relation to 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 115-10.1 and adding Section
6 115-10.6 as follows:

7 (725 ILCS 5/115-10.1) (from Ch. 38, par. 115-10.1)

8 Sec. 115-10.1. Admissibility of Prior Inconsistent
9 Statements. In all criminal cases, evidence of a statement
10 made by a witness is not made inadmissible by the hearsay
11 rule if

12 (a) the statement is inconsistent with his testimony at
13 the hearing or trial, and

14 (b) the witness is subject to cross-examination
15 concerning the statement, and

16 (c) the statement--

17 (1) was made under oath at a trial, hearing, or other
18 proceeding, or

19 (2) narrates, describes, or explains an event, ~~or~~
20 condition, or statement made by a defendant of which the
21 witness had personal knowledge, and

22 (A) the statement is proved to have been written or
23 signed by the witness, or

24 (B) the witness acknowledged under oath the making of
25 the statement either in his testimony at the hearing or trial
26 in which the admission into evidence of the prior statement
27 is being sought, or at a trial, hearing, or other proceeding,
28 or

29 (C) the statement is proved to have been accurately
30 recorded by a tape recorder, videotape recording, or any
31 other similar electronic means of sound recording.

1 Nothing in this Section shall render a prior inconsistent
2 statement inadmissible for purposes of impeachment because
3 such statement was not recorded or otherwise fails to meet
4 the criteria set forth herein.

5 (Source: P.A. 83-1042.)

6 (725 ILCS 5/115-10.6 new)

7 Sec. 115-10.6. Admissibility of prior violent acts by
8 the victim.

9 (a) In a prosecution for an offense involving the use of
10 force by an accused when the accused asserts that he or she
11 was legally justified in the use of force and when there is
12 evidence presented at trial on that issue, the accused may
13 present evidence of the victim's prior violent acts if those
14 prior acts are relevant to the issue of who was the initial
15 aggressor whether or not the accused was aware of those prior
16 acts at the time of occurrence of the incident for which the
17 accused is on trial.

18 (b) Upon the introduction of any evidence described in
19 subsection (a) by the accused, the State shall be allowed to
20 introduce evidence of any prior violent acts committed by the
21 accused that are relevant to the issue of who was the initial
22 aggressor in the case on trial whether or not the accused
23 testifies at trial.

24 (c) Nothing in this Section prevents the introduction of
25 evidence of other acts for relevant and proper reasons.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.