

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 adding Section 115-21 as follows:

6 (725 ILCS 5/115-21 new)

7 Sec. 115-21. Eyewitness testimony. In a criminal case
8 tried by a jury in which eyewitness testimony has been
9 admitted into evidence, at the close of arguments in the
10 case, the court shall instruct the jury to consider in
11 weighing the identification testimony of a witness, all the
12 facts and circumstances in evidence, including, but not
13 limited to, the following:

14 (1) the opportunity the witness had to view the
15 offender at the time of the offense;

16 (2) the witness's degree of attention at the time
17 of the offense;

18 (3) the witness's earlier description of the
19 offender;

20 (4) the level of certainty shown by the witness
21 when confronting the defendant;

22 (5) the length of time between the offense and the
23 identification confrontation;

24 (6) if applicable in the case, the difficulty of
25 making a cross-racial identification; and

26 (7) that eyewitness testimony should be carefully
27 examined in light of other evidence in the case.