

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 114-15 as follows:

6 (725 ILCS 5/114-15 new)

7 Sec. 114-15. Reliability of in-custody informant's  
8 testimony in capital cases.

9 (a) Prior to trial in a capital case, the court shall  
10 hold an evidentiary hearing to determine the reliability and  
11 admissibility of any in-custody informant's testimony at  
12 either the guilt or sentencing phase.

13 (b) At the pre-trial evidentiary hearing, the court shall  
14 use the following standards:

15 (1) The State bears the burden of proving by a  
16 preponderance of evidence that the witness' testimony is  
17 reliable. The court may consider the following factors,  
18 as well as any other factors bearing on the witness'  
19 credibility:

20 (A) The specific statements to which the  
21 witness will testify.

22 (B) The time and place the alleged statements  
23 were made and other circumstances regarding the  
24 alleged statements.

25 (C) Any deal or inducement made by the  
26 informant and the police or prosecutors in exchange  
27 for the witness' testimony.

28 (D) The criminal history of the witness.

29 (E) Whether the witness has ever recanted his  
30 or her testimony.

31 (F) Other cases in which the witness testified

1           to alleged confessions by others.

2           (G) Any other known evidence that may attest to  
3           or diminish the credibility of the witness,  
4           including the presence or absence of any  
5           relationship between the accused and the witness.

6           (c) The State may file an interlocutory appeal from a  
7           ruling suppressing the testimony of an in-custody informant  
8           under Illinois Supreme Court Rule 604.