

1 AN ACT in relation to criminal matters.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Police Training Act is amended
5 by changing Section 6.1 as follows:

6 (50 ILCS 705/6.1)

7 Sec. 6.1. Decertification of full-time and part-time
8 police officers.

9 (a) The Board must review police officer conduct and
10 records to ensure that no police officer is certified or
11 provided a valid waiver if that police officer has been:

12 (1) convicted of a felony offense under the laws of
13 this State or any other state which if committed in this
14 State would be punishable as a felony;

15 (2) ~~The Board must also ensure that no police~~
16 ~~officer is certified or provided a valid waiver if that~~
17 ~~police officer has been~~ convicted on or after the
18 effective date of this amendatory Act of 1999 of any
19 misdemeanor specified in this Section or if committed in
20 any other state would be an offense similar to Section
21 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1,
22 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7
23 of the Criminal Code of 1961 or to Section 5 or 5.2 of
24 the Cannabis Control Act; or

25 (3) the subject of an administrative determination,
26 conducted pursuant to the rules and regulations of the
27 law enforcement agency or department employing the police
28 officer, of knowingly committing perjury in a criminal
29 proceeding. For the purposes of this subsection,
30 "perjury" shall have the meaning as set forth in Section
31 32-2 of the Criminal Code of 1961.

1 The Board must appoint investigators to enforce the
2 duties conferred upon the Board by this Act.

3 (b) It is the responsibility of the sheriff or the chief
4 executive officer of every local law enforcement agency or
5 department within this State to report to the Board any
6 arrest, administrative determination of perjury, or
7 conviction of any officer for an offense identified in this
8 Section.

9 (c) It is the duty and responsibility of every full-time
10 and part-time police officer in this State to report to the
11 Board within 30 days, and the officer's sheriff or chief
12 executive officer, of his or her arrest, administrative
13 determination of perjury, or conviction for an offense
14 identified in this Section. Any full-time or part-time police
15 officer who knowingly makes, submits, causes to be submitted,
16 or files a false or untruthful report to the Board must have
17 his or her certificate or waiver immediately decertified or
18 revoked.

19 (d) Any person, or a local or State agency, or the Board
20 is immune from liability for submitting, disclosing, or
21 releasing information of arrests, administrative
22 determinations of perjury, or convictions in this Section as
23 long as the information is submitted, disclosed, or released
24 in good faith and without malice. The Board has qualified
25 immunity for the release of the information.

26 (e) Any full-time or part-time police officer with a
27 certificate or waiver issued by the Board who is convicted of
28 any offense described in this Section or is subject to an
29 administrative determination of perjury immediately becomes
30 decertified or no longer has a valid waiver. The
31 decertification and invalidity of waivers occurs as a matter
32 of law. Failure of a convicted person to report to the Board
33 his or her conviction as described in this Section or any
34 continued law enforcement practice after receiving a

1 conviction is a Class 4 felony.

2 (f) The Board's investigators are peace officers and
3 have all the powers possessed by policemen in cities and by
4 sheriff's, provided that the investigators may exercise those
5 powers anywhere in the State, only after contact and
6 cooperation with the appropriate local law enforcement
7 authorities.

8 (g) The Board must request and receive information and
9 assistance from any federal, state, or local governmental
10 agency as part of the authorized criminal background
11 investigation. The Department of State Police must process,
12 retain, and additionally provide and disseminate information
13 to the Board concerning criminal charges, arrests,
14 convictions, and their disposition, that have been filed
15 before, on, or after the effective date of this amendatory
16 Act of the 91st General Assembly against a basic academy
17 applicant, law enforcement applicant, or law enforcement
18 officer whose fingerprint identification cards are on file or
19 maintained by the Department of State Police. The Federal
20 Bureau of Investigation must provide the Board any criminal
21 history record information contained in its files pertaining
22 to law enforcement officers or any applicant to a Board
23 certified basic law enforcement academy as described in this
24 Act based on fingerprint identification. The Board must make
25 payment of fees to the Department of State Police for each
26 fingerprint card submission in conformance with the
27 requirements of paragraph 22 of Section 55a of the Civil
28 Administrative Code of Illinois.

29 (Source: P.A. 91-495, eff. 1-1-00.)

30 Section 10. The Counties Code is amended by changing
31 Section 3-4006 as follows:

32 (55 ILCS 5/3-4006) (from Ch. 34, par. 3-4006)

1 Sec. 3-4006. Duties of public defender. The Public
2 Defender, as directed by the court, shall act as attorney,
3 without fee, before any court within any county for all
4 persons who are held in custody or who are charged with the
5 commission of any criminal offense, and who the court finds
6 are unable to employ counsel.

7 The Public Defender shall be the attorney, without fee,
8 when so appointed by the court under Section 1-20 of the
9 Juvenile Court Act or Section 1-5 of the Juvenile Court Act
10 of 1987 or by any court under Section 5(b) of the Parental
11 Notice of Abortion Act of 1983 for any party who the court
12 finds is financially unable to employ counsel.

13 The Public Defender may act as attorney, without fee and
14 appointment by the court, for a person in custody during the
15 person's interrogation regarding first degree murder for
16 which the death penalty may be imposed, if the person has
17 requested the advice of counsel and there is a reasonable
18 belief that the person is indigent. Any further
19 representation of the person by the Public Defender shall be
20 pursuant to Section 109-1 of the Code of Criminal Procedure
21 of 1963.

22 Every court shall, with the consent of the defendant and
23 where the court finds that the rights of the defendant would
24 be prejudiced by the appointment of the public defender,
25 appoint counsel other than the public defender, except as
26 otherwise provided in Section 113-3 of the "Code of Criminal
27 Procedure of 1963". That counsel shall be compensated as is
28 provided by law. He shall also, in the case of the conviction
29 of any such person, prosecute any proceeding in review which
30 in his judgment the interests of justice require.

31 (Source: P.A. 86-962.)

32 Section 15. The Criminal Code of 1961 is amended by
33 changing Sections 8-4, 9-1, and 14-3 as follows:

1 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)
2 Sec. 8-4. Attempt.

3 (a) Elements of the Offense.

4 A person commits an attempt when, with intent to commit a
5 specific offense, he does any act which constitutes a
6 substantial step toward the commission of that offense.

7 (b) Impossibility.

8 It shall not be a defense to a charge of attempt that
9 because of a misapprehension of the circumstances it would
10 have been impossible for the accused to commit the offense
11 attempted.

12 (c) Sentence.

13 A person convicted of an attempt may be fined or
14 imprisoned or both not to exceed the maximum provided for the
15 offense attempted but, except for an attempt to commit the
16 offense defined in Section 33A-2 of this Act,

17 (1) the sentence for attempt to commit first degree
18 murder is the sentence for a Class X felony, except that

19 (A) an attempt to commit first degree murder
20 when at least one of the aggravating factors
21 specified in paragraphs (1) and, (2) ~~and-(12)~~ of
22 subsection (b) of Section 9-1 is present is a Class
23 X felony for which the sentence shall be a term of
24 imprisonment of not less than 20 years and not more
25 than 80 years;

26 (A-5) an attempt to commit first degree murder
27 of an emergency medical technician - ambulance,
28 emergency medical technician - intermediate,
29 emergency medical technician - paramedic, ambulance
30 driver, or other medical assistance or first aid
31 provider (i) while that provider was employed by a
32 municipality or other governmental unit, (ii) when
33 that provider was acting in the course of performing
34 official duties, when the defendant acted to prevent

1 the provider from performing official duties, or
2 when the defendant acted in retaliation for the
3 provider performing official duties, and (iii) when
4 the defendant knew or should have known that the
5 individual was an emergency medical technician -
6 ambulance, emergency medical technician -
7 intermediate, emergency medical technician -
8 paramedic, ambulance driver, or other medical
9 assistant or first aid provider, is a Class X felony
10 for which the sentence shall be a term of
11 imprisonment of not less than 20 years and not more
12 than 80 years;

13 (B) an attempt to commit first degree murder
14 while armed with a firearm is a Class X felony for
15 which 15 years shall be added to the term of
16 imprisonment imposed by the court;

17 (C) an attempt to commit first degree murder
18 during which the person personally discharged a
19 firearm is a Class X felony for which 20 years shall
20 be added to the term of imprisonment imposed by the
21 court;

22 (D) an attempt to commit first degree murder
23 during which the person personally discharged a
24 firearm that proximately caused great bodily harm,
25 permanent disability, permanent disfigurement, or
26 death to another person, is a Class X felony for
27 which 25 years or up to a term of natural life shall
28 be added to the term of imprisonment imposed by the
29 court.

30 (2) the sentence for attempt to commit a Class X
31 felony is the sentence for a Class 1 felony;

32 (3) the sentence for attempt to commit a Class 1
33 felony is the sentence for a Class 2 felony;

34 (4) the sentence for attempt to commit a Class 2

1 felony is the sentence for a Class 3 felony; and

2 (5) the sentence for attempt to commit any felony
3 other than those specified in subsections (1), (2), (3)
4 and (4) hereof is the sentence for a Class A misdemeanor.

5 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

6 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

7 Sec. 9-1. First degree Murder - Death penalties -
8 Exceptions - Separate Hearings - Proof - Findings - Appellate
9 procedures - Reversals.

10 (a) A person who kills an individual without lawful
11 justification commits first degree murder if, in performing
12 the acts which cause the death:

13 (1) he either intends to kill or do great bodily
14 harm to that individual or another, or knows that such
15 acts will cause death to that individual or another; or

16 (2) he knows that such acts create a strong
17 probability of death or great bodily harm to that
18 individual or another; or

19 (3) he is attempting or committing a forcible
20 felony other than second degree murder.

21 (b) Aggravating Factors. A defendant:

22 (i) who at the time of the commission of the
23 offense has attained the age of 18 or more; and

24 (ii) who has been found guilty of first degree
25 murder; and

26 (iii) whose guilt was not, in the
27 determination of the court, based solely upon the
28 uncorroborated testimony of one eyewitness, of one
29 accomplice, or of one incarcerated informant;

30 may be sentenced to death if:

31 (1) the murdered individual was a peace officer or
32 fireman killed in the course of performing his official
33 duties, to prevent the performance of his official

1 duties, or in retaliation for performing his official
 2 duties, and the defendant knew or should have known that
 3 the murdered individual was a peace officer or fireman;
 4 or

5 (2) the murdered individual was an employee of an
 6 institution or facility of the Department of Corrections,
 7 or any similar local correctional agency, killed in the
 8 course of performing his official duties, to prevent the
 9 performance of his official duties, or in retaliation for
 10 performing his official duties, or the murdered
 11 individual was an inmate at such institution or facility
 12 and was killed on the grounds thereof, or the murdered
 13 individual was otherwise present in such institution or
 14 facility with the knowledge and approval of the chief
 15 administrative officer thereof; or

16 (3) the defendant has been convicted of murdering
 17 two or more individuals under subsection (a) of this
 18 Section or under any law of the United States or of any
 19 state which is substantially similar to subsection (a) of
 20 this Section regardless of whether the deaths occurred
 21 as the result of the same act or of several related or
 22 unrelated acts so long as the deaths were the result of
 23 either an intent to kill more than one person or of
 24 separate acts which the defendant knew would cause death
 25 or create a strong probability of death or great bodily
 26 harm to the murdered individual or another; or

27 (4) (blank) ~~the-murdered-individual-was-killed-as-a~~
 28 ~~result--of-the-hijacking-of-an-airplane,-train,-ship,-bus~~
 29 ~~or-other-public-conveyance; or~~

30 (5) (blank) ~~the--defendant--committed--the--murder~~
 31 ~~pursuant-to-a-contract,-agreement--or--understanding--by~~
 32 ~~which--he--was--to--receive-money-or-anything-of-value-in~~
 33 ~~return-for-committing-the-murder-or-procured--another--to~~
 34 ~~commit-the-murder-for-money-or-anything-of-value; or~~

1 (6) (blank) the--murdered-individual-was-killed-in
2 the-course-of-another-felony-if:

3 (a)--the-murdered-individual:

4 (i)--was-actually-killed-by-the-defendant,

5 or

6 (ii)--received-----physical-----injuries
7 personally---inflicted---by---the---defendant

8 substantially--contemporaneously--with-physical
9 injuries-caused-by--one--or--more--persons--for

10 whose---conduct---the---defendant---is--legally
11 accountable-under-Section-5-2-of-this-Code,-and

12 the-physical-injuries-inflicted-by--either--the
13 defendant--or--the--other-person-or-persons-for

14 whose-conduct-he-is-legally-accountable--caused
15 the-death-of-the-murdered-individual;-and

16 (b)--in--performing--the--acts-which-caused-the
17 death-of-the-murdered-individual-or--which--resulted

18 in--physical--injuries--personally--inflicted-by-the
19 defendant--on--the--murdered--individual--under--the

20 circumstances-of-subdivision--(ii)--of--subparagraph
21 (a)--of--paragraph--(6)--of--subsection--(b)-of-this

22 Section,-the-defendant-acted-with-the-intent-to-kill
23 the-murdered-individual-or-with-the--knowledge--that

24 his--acts--created--a-strong-probability-of-death-or
25 great-bodily-harm--to--the--murdered--individual--or

26 another;-and

27 (c)--the-other-felony-was-one-of-the-following:
28 armed--robbery,-armed--violence,-robbery,-predatory

29 eriminal--sexual--assault--of--a--child,-aggravated
30 eriminal--sexual--assault,-aggravated--kidnapping,-

31 aggravated--vehicular-hijacking,-forcible-detention,
32 arson,-aggravated--arson,-aggravated--stalking,-

33 burglary,-residential--burglary,-home--invasion,
34 calculated-eriminal-drug-conspiracy--as--defined--in

1 Section--405--of--the--Illinois--Controlled--Substances
 2 Act,--streetgang--criminal--drug--conspiracy--as--defined
 3 in---Section---405.2---of--the--Illinois--Controlled
 4 Substances--Act,--or--the--attempt--to--commit--any--of--the
 5 felonies--listed--in--this--subsection--(c); or

6 (7) (blank) the--murdered--individual--was--under--12
 7 years--of--age--and--the--death--resulted--from--exceptionally
 8 brutal--or--heinous--behavior--indicative--of--wanton--cruelty;
 9 or

10 (8) the defendant committed the murder with intent
 11 to prevent the murdered individual from testifying or
 12 participating in any criminal investigation or
 13 prosecution or giving material assistance to the State in
 14 any investigation or prosecution, either against the
 15 defendant or another; or the defendant committed the
 16 murder because the murdered individual was a witness or
 17 participated in any prosecution or gave material
 18 assistance to the State in any investigation or
 19 prosecution, either against the defendant or another; or

20 (9) (blank) the--defendant,--while--committing--an
 21 offense--punishable--under--Sections--401,--401.1,--401.2,--405,
 22 405.2,--407--or--407.1--or--subsection--(b)--of--Section--404--of
 23 the--Illinois--Controlled--Substances--Act,--or--while--engaged
 24 in--a--conspiracy--or--solicitation--to--commit--such--offense,
 25 intentionally--killed--an--individual--or--counseled,
 26 commanded,--induced,--procured--or--caused--the--intentional
 27 killing--of--the--murdered--individual; or

28 (10) (blank) the--defendant--was--incarcerated--in--an
 29 institution--or--facility--of--the--Department--of--Corrections
 30 at--the--time--of--the--murder,--and--while--committing--an
 31 offense--punishable--as--a--felony--under--Illinois--law,--or
 32 while--engaged--in--a--conspiracy--or--solicitation--to--commit
 33 such--offense,--intentionally--killed--an--individual--or
 34 counseled,--commanded,--induced,--procured--or--caused--the

1 intentional-killing-of-the-murdered-individual; or

2 (11) (blank) the--murder--was-committed-in-a-cold,
3 calculated--and--premeditated--manner---pursuant---to---a
4 preconceived--plan,-scheme-or-design-to-take-a-human-life
5 by-unlawful-means,-and--the--conduct--of--the--defendant
6 created--a--reasonable--expectation--that--the-death-of-a
7 human-being-would-result-therefrom; or

8 (12) (blank) the--murdered---individual---was---an
9 emergency---medical--technician----ambulance,-emergency
10 medical--technician----intermediate,-emergency--medical
11 technician----paramedic,-ambulance--driver,-or---other
12 medical--assistance-or-first-aid-personnel,-employed-by-a
13 municipality-or-other-governmental-unit,-killed--in--the
14 course--of-performing-his-official-duties,-to-prevent-the
15 performance-of-his-official-duties,-or-in-retaliation-for
16 performing-his-official-duties,-and-the-defendant-knew-or
17 should-have-known-that-the--murdered--individual--was--an
18 emergency---medical--technician----ambulance,-emergency
19 medical--technician----intermediate,-emergency--medical
20 technician----paramedic,-ambulance--driver,-or---other
21 medical-assistance-or-first-aid-personnel; or

22 (13) (blank) the---defendant---was---a--principal
23 administrator,-organizer,-or--leader--of--a--calculated
24 criminal-drug-conspiracy--consisting--of--a--hierarchical
25 position--of--authority--superior--to--that--of-all-other
26 members-of-the-conspiracy,-and-the--defendant--counseled,
27 commanded,-induced,-procured,-or-caused-the-intentional
28 killing-of-the-murdered-person; or

29 (14) the murder was intentional and involved the
30 infliction of torture.--For-the-purpose-of-this-Section
31 torture-means-the-in infliction-of-or-subjection-to--extreme
32 physical--pain,-motivated--by--an--intent-to-increase-or
33 prolong-the-pain,-suffering-or-agony-of-the-victim; or

34 (15) (blank) the-murder-was-committed-as--a--result

1 of---the---intentional---discharge---of---a---firearm---by---the
2 defendant---from---a---motor---vehicle---and---the---victim---was---not
3 present---within---the---motor---vehicle; or

4 (16) (blank) the---murdered---individual---was---60---years
5 of---age---or---older---and---the---death---resulted---from---exceptionally
6 brutal---or---heinous---behavior---indicative---of---wanton---cruelty;
7 or

8 (17) (blank) the---murdered---individual---was---a---disabled
9 person---and---the---defendant---knew---or---should---have---known---that
10 the---murdered---individual---was---disabled.---For---purposes---of
11 this---paragraph---(17),---"disabled---person"---means---a---person---who
12 suffers---from---a---permanent---physical---or---mental---impairment
13 resulting---from---disease,---an---injury,---a---functional---disorder,
14 or---a---congenital---condition---that---renders---the---person
15 incapable---of---adequately---providing---for---his---or---her---own
16 health---or---personal---care; or

17 (18) (blank) the---murder---was---committed---by---reason---of
18 any---person's---activity---as---a---community---policing---volunteer
19 or---to---prevent---any---person---from---engaging---in---activity---as---a
20 community---policing---volunteer; or

21 (19) (blank) the---murdered---individual---was---subject---to
22 an---order---of---protection---and---the---murder---was---committed---by---a
23 person---against---whom---the---same---order---of---protection---was
24 issued---under---the---Illinois---Domestic---Violence---Act---of---1986;
25 or

26 (20) (blank) the---murdered---individual---was---known---by
27 the---defendant---to---be---a---teacher---or---other---person---employed---in
28 any---school---and---the---teacher---or---other---employee---is---upon---the
29 grounds---of---a---school---or---grounds---adjacent---to---a---school,---or
30 is---in---any---part---of---a---building---used---for---school---purposes; or

31 (21) (blank) the---murder---was---committed---by---the
32 defendant---in---connection---with---or---as---a---result---of---the
33 offense---of---terrorism---as---defined---in---Section---29D-30---of---this
34 Code.

1 For the purpose of this Section:

2 "Torture" means the intentional and depraved infliction
3 of extreme physical pain for a prolonged period of time prior
4 to the victim's death.

5 "Depraved" means the defendant relished the infliction of
6 extreme physical pain upon the victim evidencing debasement
7 or perversion or that the defendant evidenced a sense of
8 pleasure in the infliction of extreme physical pain.

9 "Participating in any criminal investigation or
10 prosecution" is intended to include those appearing in the
11 proceedings in any capacity, such as trial judges,
12 prosecutors, defense attorneys, investigators, witnesses, or
13 jurors.

14 (c) Consideration of accomplice or informant testimony
15 and factors in Aggravation and Mitigation.

16 When the sentence of death is being sought by the State,
17 the court shall consider, or shall instruct the jury to
18 consider, that the testimony of an accomplice or incarcerated
19 informant who may provide evidence against a defendant for
20 pay, immunity from punishment, or personal advantage must be
21 examined and weighed with greater care than the testimony of
22 an ordinary witness. Whether the accomplice or informant's
23 testimony has been affected by interest or prejudice against
24 the defendant must be determined. In making the
25 determination, the jury must consider (i) whether the
26 accomplice or incarcerated informant has received anything,
27 including pay, immunity from prosecution, leniency in
28 prosecution, or personal advantage, in exchange for
29 testimony, (ii) any other case in which the accomplice or
30 informant testified or offered statements against an
31 individual but was not called, and whether the statements
32 were admitted in the case, and whether the accomplice or
33 informant received any deal, promise, inducement, or benefit
34 in exchange for that testimony or statement, (iii) whether

1 the accomplice or informant has ever changed his or her
2 testimony, (iv) the criminal history of the accomplice or
3 informant, and (v) any other evidence relevant to the
4 credibility of the accomplice or informant.

5 The court shall also consider, or shall also instruct the
6 jury to consider, any aggravating and any mitigating factors
7 which are relevant to the imposition of the death penalty.
8 Before the jury makes a determination with respect to the
9 imposition of the death penalty, the court shall also
10 instruct the jury of the applicable alternative sentences
11 under Chapter V of the Unified Code of Corrections that the
12 court may impose for first degree murder if a jury
13 determination precludes the death sentence. Aggravating
14 factors may include but need not be limited to those factors
15 set forth in subsection (b). Mitigating factors may include
16 but need not be limited to the following:

17 (1) the defendant has no significant history of
18 prior criminal activity;

19 (2) the murder was committed while the defendant
20 was under the influence of extreme mental or emotional
21 disturbance, although not such as to constitute a defense
22 to prosecution;

23 (3) the murdered individual was a participant in
24 the defendant's homicidal conduct or consented to the
25 homicidal act;

26 (4) the defendant acted under the compulsion of
27 threat or menace of the imminent infliction of death or
28 great bodily harm;

29 (5) the defendant was not personally present during
30 commission of the act or acts causing death;-

31 (6) the defendant's background includes a history
32 of extreme emotional or physical abuse;

33 (7) the defendant suffers from a reduced mental
34 capacity.

1 (d) Separate sentencing hearing.

2 Where requested by the State, the court shall conduct a
3 separate sentencing proceeding to determine the existence of
4 factors set forth in subsection (b) and to consider any
5 aggravating or mitigating factors as indicated in subsection
6 (c). The proceeding shall be conducted:

7 (1) before the jury that determined the defendant's
8 guilt; or

9 (2) before a jury impanelled for the purpose of the
10 proceeding if:

11 A. the defendant was convicted upon a plea of
12 guilty; or

13 B. the defendant was convicted after a trial
14 before the court sitting without a jury; or

15 C. the court for good cause shown discharges
16 the jury that determined the defendant's guilt; or

17 (3) before the court alone if the defendant waives
18 a jury for the separate proceeding.

19 (e) Evidence and Argument.

20 During the proceeding any information relevant to any of
21 the factors set forth in subsection (b) may be presented by
22 either the State or the defendant under the rules governing
23 the admission of evidence at criminal trials. Any
24 information relevant to any additional aggravating factors or
25 any mitigating factors indicated in subsection (c) may be
26 presented by the State or defendant regardless of its
27 admissibility under the rules governing the admission of
28 evidence at criminal trials. The defendant shall be given the
29 opportunity, personally or through counsel, to make a
30 statement that is not subject to cross-examination. If the
31 proceeding is before a jury, the defendant's statement shall
32 be reduced to writing in advance and submitted to the court
33 and the State, so that the court may rule upon any
34 evidentiary objection with respect to admissibility of the

1 statement. The State and the defendant shall be given fair
2 opportunity to rebut any information received at the hearing.

3 (f) Proof.

4 The burden of proof of establishing the existence of any
5 of the factors set forth in subsection (b) is on the State
6 and shall not be satisfied unless established beyond a
7 reasonable doubt.

8 (g) Procedure - Jury.

9 If at the separate sentencing proceeding the jury finds
10 that none of the factors set forth in subsection (b) exists,
11 the court shall sentence the defendant to a term of
12 imprisonment under Chapter V of the Unified Code of
13 Corrections. If there is a unanimous finding by the jury
14 that one or more of the factors set forth in subsection (b)
15 exist, the jury shall consider aggravating and mitigating
16 factors as instructed by the court and shall determine
17 whether the sentence of death shall be imposed. If the jury
18 determines unanimously, after weighing the factors in
19 aggravation and mitigation, that death is the appropriate
20 sentence and the court concurs with the jury determination
21 ~~that there are no mitigating factors sufficient to preclude~~
22 ~~the imposition of the death sentence,~~ the court shall
23 sentence the defendant to death. If the court does not concur
24 with the jury determination that death is the appropriate
25 sentence, the court shall set forth reasons in writing and
26 shall then sentence the defendant to a term of natural life
27 imprisonment under Chapter V of the Unified Code of
28 Corrections.

29 If Unless the jury determines unanimously, after weighing
30 the factors in aggravation and mitigation, that death is not
31 the appropriate sentence, ~~finds that there are no mitigating~~
32 ~~factors sufficient to preclude the imposition of the death~~
33 sentence the court shall sentence the defendant to a term of
34 natural life imprisonment under Chapter V of the Unified Code

1 of Corrections.

2 (h) Procedure - No Jury.

3 In a proceeding before the court alone, if the court
4 finds that none of the factors found in subsection (b)
5 exists, the court shall sentence the defendant to a term of
6 imprisonment under Chapter V of the Unified Code of
7 Corrections.

8 If the Court determines that one or more of the factors
9 set forth in subsection (b) exists, the Court shall consider
10 any aggravating and mitigating factors as indicated in
11 subsection (c). If the Court determines, after weighing the
12 factors in aggravation and mitigation, that death is the
13 appropriate sentence ~~that--there--are--no--mitigating--factors~~
14 ~~sufficient-to-preclude-the-imposition-of-the-death--sentence,~~
15 the Court shall sentence the defendant to death.

16 If ~~Unless~~ the court finds that ~~there-are-no-mitigating~~
17 ~~factors-sufficient-to-preclude-the-imposition-of-the-sentence~~
18 ~~of death~~ is not the appropriate sentence, the court shall
19 sentence the defendant to a term of natural life imprisonment
20 under Chapter V of the Unified Code of Corrections.

21 (i) Appellate Procedure.

22 The conviction and sentence of death shall be subject to
23 automatic review by the Supreme Court. Such review shall be
24 in accordance with rules promulgated by the Supreme Court.
25 Upon the request of the defendant, the Supreme Court must
26 determine whether the sentence was imposed due to some
27 arbitrary factor; whether an independent weighing of the
28 aggravating and mitigating circumstances indicate death was
29 the proper sentence; and whether the sentence of death was
30 excessive or disproportionate to the penalty imposed in
31 similar cases. The Supreme Court may order the collection of
32 data and information to support the review required by this
33 subsection (i).

34 (j) Disposition of reversed death sentence.

1 In the event that the death penalty in this Act is held
2 to be unconstitutional by the Supreme Court of the United
3 States or of the State of Illinois, any person convicted of
4 first degree murder shall be sentenced by the court to a term
5 of imprisonment under Chapter V of the Unified Code of
6 Corrections.

7 In the event that any death sentence pursuant to the
8 sentencing provisions of this Section is declared
9 unconstitutional by the Supreme Court of the United States or
10 of the State of Illinois, the court having jurisdiction over
11 a person previously sentenced to death shall cause the
12 defendant to be brought before the court, and the court shall
13 sentence the defendant to a term of imprisonment under
14 Chapter V of the Unified Code of Corrections.

15 (Source: P.A. 91-357, eff. 7-29-99; 91-434, eff. 1-1-00;
16 92-854, eff. 12-5-02.)

17 (720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

18 Sec. 14-3. Exemptions. The following activities shall
19 be exempt from the provisions of this Article:

20 (a) Listening to radio, wireless and television
21 communications of any sort where the same are publicly made;

22 (b) Hearing conversation when heard by employees of any
23 common carrier by wire incidental to the normal course of
24 their employment in the operation, maintenance or repair of
25 the equipment of such common carrier by wire so long as no
26 information obtained thereby is used or divulged by the
27 hearer;

28 (c) Any broadcast by radio, television or otherwise
29 whether it be a broadcast or recorded for the purpose of
30 later broadcasts of any function where the public is in
31 attendance and the conversations are overheard incidental to
32 the main purpose for which such broadcasts are then being
33 made;

1 (d) Recording or listening with the aid of any device to
2 any emergency communication made in the normal course of
3 operations by any federal, state or local law enforcement
4 agency or institutions dealing in emergency services,
5 including, but not limited to, hospitals, clinics, ambulance
6 services, fire fighting agencies, any public utility,
7 emergency repair facility, civilian defense establishment or
8 military installation;

9 (e) Recording the proceedings of any meeting required to
10 be open by the Open Meetings Act, as amended;

11 (f) Recording or listening with the aid of any device to
12 incoming telephone calls of phone lines publicly listed or
13 advertised as consumer "hotlines" by manufacturers or
14 retailers of food and drug products. Such recordings must be
15 destroyed, erased or turned over to local law enforcement
16 authorities within 24 hours from the time of such recording
17 and shall not be otherwise disseminated. Failure on the part
18 of the individual or business operating any such recording or
19 listening device to comply with the requirements of this
20 subsection shall eliminate any civil or criminal immunity
21 conferred upon that individual or business by the operation
22 of this Section;

23 (g) With prior notification to the State's Attorney of
24 the county in which it is to occur, recording or listening
25 with the aid of any device to any conversation where a law
26 enforcement officer, or any person acting at the direction of
27 law enforcement, is a party to the conversation and has
28 consented to it being intercepted or recorded under
29 circumstances where the use of the device is necessary for
30 the protection of the law enforcement officer or any person
31 acting at the direction of law enforcement, in the course of
32 an investigation of a forcible felony, a felony violation of
33 the Illinois Controlled Substances Act, a felony violation of
34 the Cannabis Control Act, or any "streetgang related" or

1 "gang-related" felony as those terms are defined in the
2 Illinois Streetgang Terrorism Omnibus Prevention Act. Any
3 recording or evidence derived as the result of this exemption
4 shall be inadmissible in any proceeding, criminal, civil or
5 administrative, except (i) where a party to the conversation
6 suffers great bodily injury or is killed during such
7 conversation, or (ii) when used as direct impeachment of a
8 witness concerning matters contained in the interception or
9 recording. The Director of the Department of State Police
10 shall issue regulations as are necessary concerning the use
11 of devices, retention of tape recordings, and reports
12 regarding their use;

13 (g-5) With approval of the State's Attorney of the
14 county in which it is to occur, recording or listening with
15 the aid of any device to any conversation where a law
16 enforcement officer, or any person acting at the direction of
17 law enforcement, is a party to the conversation and has
18 consented to it being intercepted or recorded in the course
19 of an investigation of any offense defined in Article 29D of
20 this Code. In all such cases, an application for an order
21 approving the previous or continuing use of an eavesdropping
22 device must be made within 48 hours of the commencement of
23 such use. In the absence of such an order, or upon its
24 denial, any continuing use shall immediately terminate. The
25 Director of State Police shall issue rules as are necessary
26 concerning the use of devices, retention of tape recordings,
27 and reports regarding their use.

28 Any recording or evidence obtained or derived in the
29 course of an investigation of any offense defined in Article
30 29D of this Code shall, upon motion of the State's Attorney
31 or Attorney General prosecuting any violation of Article 29D,
32 be reviewed in camera with notice to all parties present by
33 the court presiding over the criminal case, and, if ruled by
34 the court to be relevant and otherwise admissible, it shall

1 be admissible at the trial of the criminal case.

2 This subsection (g-5) is inoperative on and after January
3 1, 2005. No conversations recorded or monitored pursuant to
4 this subsection (g-5) shall be inadmissible in a court of law
5 by virtue of the repeal of this subsection (g-5) on January
6 1, 2005.

7 (h) Recordings made simultaneously with a video
8 recording of an oral conversation between a peace officer,
9 who has identified his or her office, and a person stopped
10 for an investigation of an offense under the Illinois Vehicle
11 Code;

12 (i) Recording of a conversation made by or at the
13 request of a person, not a law enforcement officer or agent
14 of a law enforcement officer, who is a party to the
15 conversation, under reasonable suspicion that another party
16 to the conversation is committing, is about to commit, or has
17 committed a criminal offense against the person or a member
18 of his or her immediate household, and there is reason to
19 believe that evidence of the criminal offense may be obtained
20 by the recording; and

21 (j) The use of a telephone monitoring device by either
22 (1) a corporation or other business entity engaged in
23 marketing or opinion research or (2) a corporation or other
24 business entity engaged in telephone solicitation, as defined
25 in this subsection, to record or listen to oral telephone
26 solicitation conversations or marketing or opinion research
27 conversations by an employee of the corporation or other
28 business entity when:

29 (i) the monitoring is used for the purpose of
30 service quality control of marketing or opinion research
31 or telephone solicitation, the education or training of
32 employees or contractors engaged in marketing or opinion
33 research or telephone solicitation, or internal research
34 related to marketing or opinion research or telephone

1 solicitation; and

2 (ii) the monitoring is used with the consent of at
3 least one person who is an active party to the marketing
4 or opinion research conversation or telephone
5 solicitation conversation being monitored.

6 No communication or conversation or any part, portion, or
7 aspect of the communication or conversation made, acquired,
8 or obtained, directly or indirectly, under this exemption
9 (j), may be, directly or indirectly, furnished to any law
10 enforcement officer, agency, or official for any purpose or
11 used in any inquiry or investigation, or used, directly or
12 indirectly, in any administrative, judicial, or other
13 proceeding, or divulged to any third party.

14 When recording or listening authorized by this subsection
15 (j) on telephone lines used for marketing or opinion research
16 or telephone solicitation purposes results in recording or
17 listening to a conversation that does not relate to marketing
18 or opinion research or telephone solicitation; the person
19 recording or listening shall, immediately upon determining
20 that the conversation does not relate to marketing or opinion
21 research or telephone solicitation, terminate the recording
22 or listening and destroy any such recording as soon as is
23 practicable.

24 Business entities that use a telephone monitoring or
25 telephone recording system pursuant to this exemption (j)
26 shall provide current and prospective employees with notice
27 that the monitoring or recordings may occur during the course
28 of their employment. The notice shall include prominent
29 signage notification within the workplace.

30 Business entities that use a telephone monitoring or
31 telephone recording system pursuant to this exemption (j)
32 shall provide their employees or agents with access to
33 personal-only telephone lines which may be pay telephones,
34 that are not subject to telephone monitoring or telephone

1 recording.

2 For the purposes of this subsection (j), "telephone
3 solicitation" means a communication through the use of a
4 telephone by live operators:

- 5 (i) soliciting the sale of goods or services;
- 6 (ii) receiving orders for the sale of goods or
7 services;
- 8 (iii) assisting in the use of goods or services; or
- 9 (iv) engaging in the solicitation, administration,
10 or collection of bank or retail credit accounts.

11 For the purposes of this subsection (j), "marketing or
12 opinion research" means a marketing or opinion research
13 interview conducted by a live telephone interviewer engaged
14 by a corporation or other business entity whose principal
15 business is the design, conduct, and analysis of polls and
16 surveys measuring the opinions, attitudes, and responses of
17 respondents toward products and services, or social or
18 political issues, or both; and

19 (k) Recording the interrogation or statement of a person
20 in custody for first degree murder or a witness in a first
21 degree murder case, when the person in custody or witness
22 knows the interrogation is being conducted by a law
23 enforcement officer or prosecutor. For the purposes of this
24 Section, "interrogation of a person in custody" means any
25 interrogation during which the person being interrogated is
26 not free to leave and the person is being asked questions
27 relevant to the first degree murder investigation.

28 (Source: P.A. 91-357, eff. 7-29-99; 92-854, eff. 12-5-02.)

29 Section 20. The Code of Criminal Procedure of 1963 is
30 amended by changing Sections 114-13, 116-3, 122-1, and
31 122-2.1 and by adding Sections 114-15, 114-16, 115-16.1, and
32 115-21 as follows:

1 (725 ILCS 5/114-13) (from Ch. 38, par. 114-13)

2 Sec. 114-13. Discovery in criminal cases.

3 (a) Discovery procedures in criminal cases shall be in
4 accordance with Supreme Court Rules.

5 (b) Discovery deposition procedures applicable in cases
6 for which the death penalty may be imposed shall be in
7 accordance with Supreme Court Rules and this subsection (b),
8 unless the State has given notice of its intention not to
9 seek the death penalty.

10 (1) The intent of this subsection is to (i) ensure
11 that capital defendants receive fair and impartial trials
12 and sentencing hearings within the courts of this State
13 and (ii) minimize the occurrence of error to the maximum
14 extent feasible by identifying and correcting with due
15 promptness any error that may occur.

16 (2) A party may, with leave of court upon a showing
17 of good cause, take the discovery deposition upon oral
18 questions of any person disclosed as a witness as
19 provided by law or Supreme Court Rule. In determining
20 whether to allow a deposition, the court should consider
21 (i) the consequences to the party if the deposition is
22 not allowed, (ii) the complexities of the issues
23 involved, (iii) the complexity of the testimony of the
24 witness, and (iv) the other opportunities available to
25 the party to discover the information sought by
26 deposition. Under no circumstances, however, may the
27 defendant be deposed.

28 (3) The taking of depositions shall be in
29 accordance with rules providing for the taking of
30 depositions in civil actions, and the order for the
31 taking of a deposition may provide that any designated
32 books, papers, documents, or tangible objects, not
33 privileged, be produced at the same time and place.

34 (4) A defendant shall have no right to be

1 physically present at a discovery deposition. If there is
2 any concern regarding witness safety, the court may
3 require that the deposition be held in a place or manner
4 that will ensure the security of the witness. The court
5 may also issue protective orders to restrict the use and
6 disclosure of information provided by a witness.

7 (5) Absent good cause shown to the court,
8 depositions shall be completed within 90 days after the
9 disclosure of witnesses. The parties shall have the right
10 to compel depositions under this subsection by subpoena.
11 No witness may be deposed more than once, except by leave
12 of the court upon a showing of good cause.

13 (6) If the defendant is indigent, the costs of
14 taking depositions shall be paid by the county where the
15 criminal charge is initiated with reimbursement to the
16 county from the Capital Litigation Trust Fund. If the
17 defendant is not indigent, the costs shall be allocated
18 as in civil actions.

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

20 (725 ILCS 5/114-15 new)

21 Sec. 114-15. Motion for genetic marker groupings
22 comparison analysis.

23 (a) A defendant may make a motion for a court order
24 before trial for comparison analysis by the Department of
25 State Police with those genetic marker groupings maintained
26 under subsection (f) of Section 5-4-3 of the Unified Code of
27 Corrections if the defendant meets all of the following
28 requirements:

29 (1) The defendant is charged with any offense.

30 (2) The defendant seeks for the Department of State
31 Police to identify genetic marker groupings from evidence
32 collected by criminal justice agencies pursuant to the
33 alleged offense.

1 (3) The defendant seeks comparison analysis of
2 genetic marker groupings of the evidence under
3 subdivision (2) to those of the defendant, to those of
4 other forensic evidence, and to those maintained under
5 subsection (f) of Section 5-4-3 of the Unified Code of
6 Corrections.

7 (4) Genetic marker grouping analysis must be
8 performed by a laboratory compliant with the quality
9 assurance standards required by the Department of State
10 Police for genetic marker grouping analysis comparisons.

11 (5) Reasonable notice of the motion shall be served
12 upon the State.

13 (b) The Department of State Police may promulgate rules
14 for the types of comparisons performed and the quality
15 assurance standards required for submission of genetic marker
16 groupings. The provisions of the Administrative Review Law
17 shall apply to all actions taken under the rules so
18 promulgated.

19 (725 ILCS 5/114-16 new)

20 Sec. 114-16. Motion to preclude death penalty based upon
21 mental retardation.

22 (a) A defendant charged with first degree murder may
23 make a motion prior to trial to preclude the imposition of
24 the death penalty based upon the mental retardation of the
25 defendant. The motion shall be in writing and shall state
26 facts to demonstrate the mental retardation of the defendant.

27 As used in this Section, "mental retardation" means:

28 (1) having significantly subaverage general
29 intellectual functioning as evidence by a functional
30 intelligence quotient (I.Q.) of 70 or below; and

31 (2) having deficits in adaptive behavior.

32 The mental retardation must have been manifested during the
33 developmental period, or by 18 years of age.

1 (b) Notwithstanding any provision of law to the
2 contrary, a defendant with mental retardation at the time of
3 committing first degree murder shall not be sentenced to
4 death.

5 (c) The burden of going forward with the evidence and
6 the burden of proving the defendant's mental retardation by a
7 preponderance of the evidence is upon the defendant. The
8 determination of whether the defendant was mentally retarded
9 at the time of the offense of first degree murder shall be
10 made by the court after a hearing.

11 (d) If the issue of mental retardation is raised prior
12 to trial and the court determines that the defendant is not a
13 person with mental retardation, the defendant shall be
14 entitled to offer evidence to the trier of fact of diminished
15 intellectual capacity as a mitigating circumstance pursuant
16 to clause (c)(7) of Section 9-1 of the Criminal Code of 1961.

17 (f) The determination by the trier of fact on the
18 defendant's motion shall not be appealable by interlocutory
19 appeal, but may be a basis of appeal by either the State or
20 defendant following the sentencing stage of the trial.

21 (725 ILCS 5/115-16.1 new)

22 Sec. 115-16.1. Witness qualification in first degree
23 murder trial.

24 (a) In a prosecution for first degree murder where the
25 State has given notice of its intention to seek the death
26 penalty, the prosecution must promptly notify the court and
27 the defendant's attorney of the intention to introduce
28 testimony at trial from a person who is in custody or who was
29 in custody at the time of the factual matters to which the
30 person will testify. The notice to the defendant's attorney
31 must include the identification, criminal history, and
32 background of the witness. The prosecution must also promptly
33 notify the defendant's attorney of any discussion,

1 inducement, benefit, or agreement between that witness and a
2 law enforcement agency, officer, or prosecutor for that
3 witness.

4 (b) After notice has been given to the court pursuant to
5 subsection (a), the court must prior to trial conduct an
6 evidentiary hearing to determine the reliability and
7 admissibility of the testimony of the witness. The
8 prosecution has the burden of proving by a preponderance of
9 the evidence the reliability of the testimony of the witness.
10 In making its determination, the court may consider:

11 (1) the specific statements or facts to which the
12 witness will testify;

13 (2) the time, place, and other circumstances
14 regarding the statements or facts to which the witness
15 will testify;

16 (3) any discussion, inducement, benefit, or
17 agreement between the witness and a law enforcement
18 agency or officer for that witness;

19 (4) the criminal history of the witness;

20 (5) whether the witness has ever recanted his or
21 her testimony;

22 (6) other criminal cases in which the witness has
23 testified;

24 (7) the presence or absence of any relationship
25 between the accused and the witness; and

26 (8) any other evidence relevant to the credibility
27 of the witness.

28 (725 ILCS 5/115-21 new)

29 Sec. 115-21. Evidence of statement in capital case.

30 (a) The General Assembly believes that justice and
31 fairness are best served if the custodial interrogation and
32 any statement of the defendant that may result from the
33 interrogation in a capital case are recorded by means of

1 electronic video and audio. The General Assembly finds that
2 the video and audio recording of the interrogation and
3 statement produce some of the best evidence with respect to
4 the voluntariness and reliability of the statement and
5 compliance with the constitutional rights of the defendant.
6 The General Assembly understands that to implement such
7 recording practices will require time, training, and funding.
8 Therefore, the General Assembly believes that a pilot program
9 should be created in certain areas of the State where law
10 enforcement officers, to the extent possible, should record
11 any interrogations and statements of the suspect, defendant,
12 or significant witness in capital cases in video and audio
13 format. However, the General Assembly also recognizes that
14 such video and audio recording may not always be available or
15 practical under the circumstances and resources of a
16 particular case. Further, an interrogation or statement that
17 is not recorded by video or audio may be just as reliable and
18 voluntary as one that is so recorded. Therefore, the purpose
19 of this Section is not to mandate video and audio recording
20 of interrogations and statements in first degree murder cases
21 and compel the exclusion of unrecorded statements or
22 interrogations, but rather to guarantee an admissibility
23 hearing before the court in selected areas of the pilot
24 program for statements made without a video or audio
25 recording. The State's Attorney for each county and the
26 Attorney General shall each report separately to the General
27 Assembly by August 1, 2003 as to the implementation of these
28 recording procedures in their respective jurisdictions.

29 (b) In 3 regions of the State selected by the Department
30 of State Police, when a statement of the defendant made
31 during a custodial interrogation without an electronic video
32 and audio recording of the interrogation and statement is to
33 be offered as evidence at trial for first degree murder when
34 the State has given notice of its intention to seek the death

1 penalty, the court must conduct a hearing on the
2 admissibility of the statement regardless of whether an
3 admissibility objection has been made. In making a
4 determination regarding admissibility of the statement, the
5 court must review the facts with respect to the voluntariness
6 of the statement, whether the defendant was properly advised
7 of his or her right to counsel during the interrogation
8 process, and whether a request for counsel by the defendant
9 during the interrogation process was appropriately satisfied.
10 The court shall conduct the hearing in accordance with the
11 applicable court rules, procedures, and case law. The hearing
12 required by this Section may be combined with the hearing on
13 the defendant's motion to suppress his or her confession
14 pursuant to Section 114-11 of this Code.

15 (c) For the purposes of this Section, "custodial
16 interrogation" means any interrogation during which the
17 person being interrogated is not free to leave and the person
18 is being asked questions relevant to the first degree murder
19 investigation.

20 (725 ILCS 5/116-3)

21 Sec. 116-3. Motion for fingerprint or forensic testing
22 not available at trial regarding actual innocence.

23 (a) A defendant may make a motion before the trial court
24 that entered the judgment of conviction in his or her case
25 for the performance of fingerprint or forensic DNA testing,
26 including comparison analysis of genetic marker groupings of
27 the evidence collected by criminal justice agencies pursuant
28 to the alleged offense, to those of the defendant, to those
29 of other forensic evidence, and to those maintained under
30 subsection (f) of Section 5-4-3 of the Unified Code of
31 Corrections, on evidence that was secured in relation to the
32 trial which resulted in his or her conviction, but which was
33 not subject to the testing which is now requested because the

1 technology for the testing was not available at the time of
2 trial. Reasonable notice of the motion shall be served upon
3 the State.

4 (b) The defendant must present a prima facie case that:

5 (1) identity was the issue in the trial which
6 resulted in his or her conviction; and

7 (2) the evidence to be tested has been subject to a
8 chain of custody sufficient to establish that it has not
9 been substituted, tampered with, replaced, or altered in
10 any material aspect.

11 (c) The trial court shall allow the testing under
12 reasonable conditions designed to protect the State's
13 interests in the integrity of the evidence and the testing
14 process upon a determination that:

15 (1) the result of the testing has the scientific
16 potential to produce new, noncumulative evidence
17 materially relevant to the defendant's assertion of
18 actual innocence that significantly advances the
19 defendant's claim of innocence;

20 (2) the testing requested employs a scientific
21 method generally accepted within the relevant scientific
22 community.

23 (Source: P.A. 90-141, eff. 1-1-98.)

24 (725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

25 Sec. 122-1. Petition in the trial court.

26 (a) Any person imprisoned in the penitentiary may
27 institute a proceeding under this Article if the person who
28 asserts that:

29 (1) in the proceedings which resulted in his or her
30 conviction there was a substantial denial of his or her
31 rights under the Constitution of the United States or of
32 the State of Illinois or both; or

33 (2) the death penalty was imposed and there is

1 newly discovered evidence not available to the person at
2 the time of the proceeding that resulted in his or her
3 conviction that establishes the person's innocence.

4 (a-5) A proceeding under paragraph (2) of subsection (a)
5 may be commenced at any time after the person's conviction
6 notwithstanding any other provisions of ~~may--institute--a~~
7 ~~proceeding-under~~ this Article. In such a proceeding regarding
8 actual innocence, if the court determines the petition is
9 frivolous or is patently without merit, it shall dismiss the
10 petition in a written order, specifying the findings of fact
11 and conclusions of law it made in reaching its decision.
12 Such order of dismissal is a final judgment and shall be
13 served upon the petitioner by certified mail within 10 days
14 of its entry.

15 (b) The proceeding shall be commenced by filing with the
16 clerk of the court in which the conviction took place a
17 petition (together with a copy thereof) verified by
18 affidavit. Petitioner shall also serve another copy upon the
19 State's Attorney by any of the methods provided in Rule 7 of
20 the Supreme Court. The clerk shall docket the petition for
21 consideration by the court pursuant to Section 122-2.1 upon
22 his or her receipt thereof and bring the same promptly to the
23 attention of the court.

24 (c) Except as otherwise provided in subsection (a-5), if
25 the petitioner is under sentence of death, no proceedings
26 under this Article shall be commenced more than 6 months
27 after the issuance of the mandate by the Supreme Court
28 following affirmance of the defendant's direct appeal of the
29 trial court verdict. In all other cases, no proceedings
30 under this Article shall be commenced more than 6 months
31 after the denial of a petition for leave to appeal or the
32 date for filing such a petition if none is filed or more than
33 45 days after the defendant files his or her brief in the
34 appeal of the sentence before the Illinois Supreme Court (or

1 more than 45 days after the deadline for the filing of the
2 defendant's brief with the Illinois Supreme Court if no brief
3 is filed) or 3 years from the date of conviction, whichever
4 is sooner, unless the petitioner alleges facts showing that
5 the delay was not due to his or her culpable negligence.

6 (d) A person seeking relief by filing a petition under
7 this Section must specify in the petition or its heading that
8 it is filed under this Section. A trial court that has
9 received a petition complaining of a conviction or sentence
10 that fails to specify in the petition or its heading that it
11 is filed under this Section need not evaluate the petition to
12 determine whether it could otherwise have stated some grounds
13 for relief under this Article.

14 (e) A proceeding under this Article may not be commenced
15 on behalf of a defendant who has been sentenced to death
16 without the written consent of the defendant, unless the
17 defendant, because of a mental or physical condition, is
18 incapable of asserting his or her own claim.

19 (Source: P.A. 89-284, eff. 1-1-96; 89-609, eff. 1-1-97;
20 89-684, eff. 6-1-97; 90-14, eff. 7-1-97.)

21 (725 ILCS 5/122-2.1) (from Ch. 38, par. 122-2.1)

22 Sec. 122-2.1. (a) Within 90 days after the filing and
23 docketing of each petition, the court shall examine such
24 petition and enter an order thereon pursuant to this Section.

25 (1) If the petitioner is under sentence of death
26 and is without counsel and alleges that he is without
27 means to procure counsel, he shall state whether or not
28 he wishes counsel to be appointed to represent him. If
29 appointment of counsel is so requested, the court shall
30 appoint counsel if satisfied that the petitioner has no
31 means to procure counsel.

32 (2) If the petitioner is sentenced to imprisonment
33 and the court determines the petition is frivolous or is

1 patently without merit, it shall dismiss the petition in
2 a written order, specifying the findings of fact and
3 conclusions of law it made in reaching its decision.
4 Such order of dismissal is a final judgment and shall be
5 served upon the petitioner by certified mail within 10
6 days of its entry.

7 (b) If the petition is not dismissed pursuant to this
8 Section, the court shall order the petition to be docketed
9 for further consideration in accordance with Sections 122-4
10 through 122-6. If the petitioner is under sentence of death,
11 the court shall order the petition to be docketed for further
12 consideration and hearing within one year of the filing of
13 the petition.

14 (c) In considering a petition pursuant to this Section,
15 the court may examine the court file of the proceeding in
16 which the petitioner was convicted, any action taken by an
17 appellate court in such proceeding and any transcripts of
18 such proceeding.

19 (Source: P.A. 86-655; 87-904.)

20 Section 25. The Capital Crimes Litigation Act is
21 amended by changing Sections 10 and 19 as follows:

22 (725 ILCS 124/10)

23 (Section scheduled to be repealed on July 1, 2004)

24 Sec. 10. Court appointed trial counsel; compensation and
25 expenses.

26 (a) This Section applies only to compensation and
27 expenses of trial counsel appointed by the court as set forth
28 in Section 5, other than public defenders, for the period
29 after arraignment and so long as the State's Attorney has
30 not, at any time, filed a certificate indicating he or she
31 will not seek the death penalty or stated on the record in
32 open court that the death penalty will not be sought.

1 (b) Appointed trial counsel shall be compensated upon
2 presentment and certification by the circuit court of a claim
3 for services detailing the date, activity, and time duration
4 for which compensation is sought. Compensation for appointed
5 trial counsel may be paid at a reasonable rate not to exceed
6 \$125 per hour.

7 Beginning in 2001, every January 20, the statutory rate
8 prescribed in this subsection shall be automatically
9 increased or decreased, as applicable, by a percentage equal
10 to the percentage change in the consumer price index-u during
11 the preceding 12-month calendar year. "Consumer price
12 index-u" means the index published by the Bureau of Labor
13 Statistics of the United States Department of Labor that
14 measures the average change in prices of goods and services
15 purchased by all urban consumers, United States city average,
16 all items, 1982-84=100. The new rate resulting from each
17 annual adjustment shall be determined by the State Treasurer
18 and made available to the chief judge of each judicial
19 circuit. Payment in excess of the limitations stated in this
20 subsection (b) may be made if the trial court certifies that
21 such payment is necessary to provide fair compensation for
22 representation based upon customary charges in the relevant
23 legal market for attorneys of similar skill, background, and
24 experience. A trial court may entertain the filing of this
25 verified statement before the termination of the cause and
26 may order the provisional payment of sums during the pendency
27 of the cause.

28 (c) Appointed trial counsel may also petition the court
29 for certification of expenses for reasonable and necessary
30 capital litigation expenses including, but not limited to,
31 investigatory and other assistance, expert, forensic, and
32 other witnesses, and mitigation specialists. Counsel may not
33 petition for certification of expenses that may have been
34 provided or compensated by the State Appellate Defender under

1 item (c)(5) of Section 10 of the State Appellate Defender
2 Act.

3 (d) Appointed trial counsel shall petition the court for
4 certification of compensation and expenses under this Section
5 periodically during the course of counsel's representation.
6 If the court determines that the compensation and expenses
7 should be paid from the Capital Litigation Trust Fund, the
8 court shall certify, on a form created by the State
9 Treasurer, that all or a designated portion of the amount
10 requested is reasonable, necessary, and appropriate for
11 payment from the Trust Fund. Certification of compensation
12 and expenses by a court in any county other than Cook County
13 shall be delivered by the court to the State Treasurer and
14 paid by the State Treasurer directly from the Capital
15 Litigation Trust Fund if there are sufficient moneys in the
16 Trust Fund to pay the compensation and expenses.
17 Certification of compensation and expenses by a court in Cook
18 County shall be delivered by the court to the county
19 treasurer and paid by the county treasurer from moneys
20 granted to the county from the Capital Litigation Trust Fund.
21 (Source: P.A. 91-589, eff. 1-1-00.)

22 (725 ILCS 124/19)

23 (Section scheduled to be repealed on July 1, 2004)

24 Sec. 19. Report; repeal.

25 (a) The Cook County Public Defender, the Cook County
26 State's Attorney, the State Appellate Defender, the State's
27 Attorneys Appellate Prosecutor, and the Attorney General
28 shall each report separately to the General Assembly by
29 January 1, 2004 detailing the amounts of money received by
30 them through this Act, the uses for which those funds were
31 expended, the balances then in the Capital Litigation Trust
32 Fund or county accounts, as the case may be, dedicated to
33 them for the use and support of Public Defenders, appointed

1 trial defense counsel, and State's Attorneys, as the case may
2 be. The report shall describe and discuss the need for
3 continued funding through the Fund and contain any
4 suggestions for changes to this Act.

5 (b) (Blank) ~~Unless---the---General--Assembly--provides~~
6 ~~otherwise, this Act is repealed on July 17, 2004.~~

7 (Source: P.A. 91-589, eff. 1-1-00.)

8 Section 30. The Unified Code of Corrections is amended
9 by adding Section 5-2-7 and changing Sections 3-3-13 and
10 5-4-3 as follows:

11 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

12 Sec. 3-3-13. Procedure for Executive Clemency.

13 (a) Petitions seeking pardon, commutation, or reprieve
14 shall be addressed to the Governor and filed with the
15 Prisoner Review Board. The petition shall be in writing and
16 signed by the person under conviction or by a person on his
17 behalf. It shall contain a brief history of the case, the
18 reasons for seeking executive clemency, and other relevant
19 information the Board may require.

20 (a-5) After a petition has been denied by the Governor,
21 the Board may not accept a repeat petition for executive
22 clemency for the same person until one full year has elapsed
23 from the date of the denial. The Chairman of the Board may
24 waive the one-year requirement if the petitioner offers in
25 writing new information that was unavailable to the
26 petitioner at the time of the filing of the prior petition
27 and which the Chairman determines to be significant. The
28 Chairman also may waive the one-year waiting period if the
29 petitioner can show that a change in circumstances of a
30 compelling humanitarian nature has arisen since the denial of
31 the prior petition.

32 (b) Notice of the proposed application shall be given by

1 the Board to the committing court and the state's attorney of
2 the county where the conviction was had.

3 (c) The Board shall, if requested and upon due notice,
4 give a hearing to each application, allowing representation
5 by counsel, if desired, after which it shall confidentially
6 advise the Governor by a written report of its
7 recommendations which shall be determined by majority vote.
8 The Board shall meet to consider such petitions no less than
9 4 times each year.

10 Application for executive clemency under this Section may
11 not be commenced on behalf of a person who has been sentenced
12 to death without the written consent of the defendant, unless
13 the defendant, because of a mental or physical condition, is
14 incapable of asserting his or her own claim.

15 All petitions for executive clemency on behalf of a
16 person who is sentenced to death must be filed with the
17 Prisoner Review Board within 30 days from the date that the
18 Supreme Court has issued a final order setting the execution
19 date. The Governor or the Chairman of the Prisoner Review
20 Board may waive the 30-day requirement if the petitioner has
21 just cause for not filing the petition within the appropriate
22 time limitations.

23 (d) The Governor shall decide each application and
24 communicate his decision to the Board which shall notify the
25 petitioner.

26 In the event a petitioner who has been convicted of a
27 Class X felony is granted a release, after the Governor has
28 communicated such decision to the Board, the Board shall give
29 written notice to the Sheriff of the county from which the
30 offender was sentenced if such sheriff has requested that
31 such notice be given on a continuing basis. In cases where
32 arrest of the offender or the commission of the offense took
33 place in any municipality with a population of more than
34 10,000 persons, the Board shall also give written notice to

1 the proper law enforcement agency for said municipality which
2 has requested notice on a continuing basis.

3 (e) Nothing in this Section shall be construed to limit
4 the power of the Governor under the constitution to grant a
5 reprieve, commutation of sentence, or pardon.

6 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

7 (730 ILCS 5/5-2-7 new)

8 Sec. 5-2-7. Fitness to be executed.

9 (a) A person is unfit to be executed if the person is
10 mentally retarded. For the purposes of this Section,
11 "mentally retarded" means:

12 (1) having significantly sub-average general
13 intellectual functioning as evidenced by a functional
14 intelligence quotient (I.Q.) of 70 or below; and

15 (2) having deficits in adaptive behavior.

16 The mental retardation must have been manifested during
17 the developmental period, or by 18 years of age.

18 (b) The question of fitness to be executed may be raised
19 after pronouncement of the death sentence. The procedure for
20 raising and deciding the question shall be the same as that
21 provided for raising and deciding the question of fitness to
22 stand trial subject to the following specific provisions:

23 (1) the question shall be raised by motion filed in
24 the sentencing court;

25 (2) the question shall be decided by the court;

26 (3) the burden of proving that the offender is
27 unfit to be executed is on the offender;

28 (4) if the offender is found to be mentally
29 retarded, the court must resentence the offender to
30 natural life imprisonment under Chapter V of the Unified
31 Code of Corrections.

32 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

1 Sec. 5-4-3. Persons convicted of, or found delinquent
2 for, certain offenses or institutionalized as sexually
3 dangerous; specimens; genetic marker groups.

4 (a) Any person convicted of, found guilty under the
5 Juvenile Court Act of 1987 for, or who received a disposition
6 of court supervision for, a qualifying offense or attempt of
7 a qualifying offense, convicted or found guilty of any
8 offense classified as a felony under Illinois law, found
9 guilty or given supervision for any offense classified as a
10 felony under the Juvenile Court Act of 1987, or
11 institutionalized as a sexually dangerous person under the
12 Sexually Dangerous Persons Act, or committed as a sexually
13 violent person under the Sexually Violent Persons Commitment
14 Act shall, regardless of the sentence or disposition imposed,
15 be required to submit specimens of blood, saliva, or tissue
16 to the Illinois Department of State Police in accordance with
17 the provisions of this Section, provided such person is:

18 (1) convicted of a qualifying offense or attempt of
19 a qualifying offense on or after July 1, 1990 the
20 ~~effective--date--of--this--amendatory--Act--of--1989,~~ and
21 sentenced to a term of imprisonment, periodic
22 imprisonment, fine, probation, conditional discharge or
23 any other form of sentence, or given a disposition of
24 court supervision for the offense; ~~7--or~~

25 (1.5) found guilty or given supervision under the
26 Juvenile Court Act of 1987 for a qualifying offense or
27 attempt of a qualifying offense on or after January 1,
28 1997; ~~the-effective-date-of-this-amendatory-Act-of-1996,~~
29 ~~or~~

30 (2) ordered institutionalized as a sexually
31 dangerous person on or after July 1, 1990; ~~the--effective~~
32 ~~date-of-this-amendatory-Act-of-1989,~~ ~~or~~

33 (3) convicted of a qualifying offense or attempt of
34 a qualifying offense before July 1, 1990 ~~the-effective~~

1 ~~date-of-this-amendatory-Act--of--1989~~ and is presently
 2 confined as a result of such conviction in any State
 3 correctional facility or county jail or is presently
 4 serving a sentence of probation, conditional discharge or
 5 periodic imprisonment as a result of such conviction;~~;~~
~~or~~

6 (3.5) convicted or found guilty of any offense
 7 classified as a felony under Illinois law or found guilty
 8 or given supervision for such an offense under the
 9 Juvenile Court Act of 1987 on or after August 22, 2002;
 10 ~~the-effective-date--of-this-amendatory-Act--of--the--92nd~~
 11 ~~General-Assembly~~;

12 (4) presently institutionalized as a sexually
 13 dangerous person or presently institutionalized as a
 14 person found guilty but mentally ill of a sexual offense
 15 or attempt to commit a sexual offense; ~~or~~

16 (4.5) ordered committed as a sexually violent
 17 person on or after the effective date of the Sexually
 18 Violent Persons Commitment Act; or

19 (5) seeking transfer to or residency in Illinois
 20 under Sections 3-3-11.05 through 3-3-11.5 of the Unified
 21 Code of Corrections and the Interstate Compact for Adult
 22 Offender Supervision or the Interstate Agreements on
 23 Sexually Dangerous Persons Act.

24 Notwithstanding other provisions of this Section, any
 25 person incarcerated in a facility of the Illinois Department
 26 of Corrections on or after August 22, 2002 ~~the-effective-date~~
 27 ~~of-this-amendatory-Act-of-the-92nd-General-Assembly~~ shall be
 28 required to submit a specimen of blood, saliva, or tissue
 29 prior to his or her release on parole or mandatory supervised
 30 release, as a condition of his or her parole or mandatory
 31 supervised release.

32 (a-5) Any person who was otherwise convicted of or
 33 received a disposition of court supervision for any other
 34 offense under the Criminal Code of 1961 or who was found

1 guilty or given supervision for such a violation under the
2 Juvenile Court Act of 1987, may, regardless of the sentence
3 imposed, be required by an order of the court to submit
4 specimens of blood, saliva, or tissue to the Illinois
5 Department of State Police in accordance with the provisions
6 of this Section.

7 (b) Any person required by paragraphs (a)(1), (a)(1.5),
8 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
9 saliva, or tissue shall provide specimens of blood, saliva,
10 or tissue within 45 days after sentencing or disposition at a
11 collection site designated by the Illinois Department of
12 State Police.

13 (c) Any person required by paragraphs (a)(3), (a)(4),
14 and (a)(4.5) to provide specimens of blood, saliva, or tissue
15 shall be required to provide such samples prior to final
16 discharge, parole, or release at a collection site designated
17 by the Illinois Department of State Police.

18 (c-5) Any person required by paragraph (a)(5) to provide
19 specimens of blood, saliva, or tissue shall, where feasible,
20 be required to provide the specimens before being accepted
21 for conditioned residency in Illinois under the interstate
22 compact or agreement, but no later than 45 days after arrival
23 in this State.

24 (c-6) The Illinois Department of State Police may
25 determine which type of specimen or specimens, blood, saliva,
26 or tissue, is acceptable for submission to the Division of
27 Forensic Services for analysis.

28 (d) The Illinois Department of State Police shall
29 provide all equipment and instructions necessary for the
30 collection of blood samples. The collection of samples shall
31 be performed in a medically approved manner. Only a
32 physician authorized to practice medicine, a registered nurse
33 or other qualified person trained in venipuncture may
34 withdraw blood for the purposes of this Act. The samples

1 shall thereafter be forwarded to the Illinois Department of
2 State Police, Division of Forensic Services, for analysis and
3 categorizing into genetic marker groupings.

4 (d-1) The Illinois Department of State Police shall
5 provide all equipment and instructions necessary for the
6 collection of saliva samples. The collection of saliva
7 samples shall be performed in a medically approved manner.
8 Only a person trained in the instructions promulgated by the
9 Illinois State Police on collecting saliva may collect saliva
10 for the purposes of this Section. The samples shall
11 thereafter be forwarded to the Illinois Department of State
12 Police, Division of Forensic Services, for analysis and
13 categorizing into genetic marker groupings.

14 (d-2) The Illinois Department of State Police shall
15 provide all equipment and instructions necessary for the
16 collection of tissue samples. The collection of tissue
17 samples shall be performed in a medically approved manner.
18 Only a person trained in the instructions promulgated by the
19 Illinois State Police on collecting tissue may collect tissue
20 for the purposes of this Section. The samples shall
21 thereafter be forwarded to the Illinois Department of State
22 Police, Division of Forensic Services, for analysis and
23 categorizing into genetic marker groupings.

24 (d-5) To the extent that funds are available, the
25 Illinois Department of State Police shall contract with
26 qualified personnel and certified laboratories for the
27 collection, analysis, and categorization of known samples.

28 (e) The genetic marker groupings shall be maintained by
29 the Illinois Department of State Police, Division of Forensic
30 Services.

31 (f) The genetic marker grouping analysis information
32 obtained pursuant to this Act shall be confidential and shall
33 be released only to peace officers of the United States, of
34 other states or territories, of the insular possessions of

1 the United States, of foreign countries duly authorized to
2 receive the same, to all peace officers of the State of
3 Illinois and to all prosecutorial agencies. Notwithstanding
4 the limits on disclosure stated by this subsection (f), the
5 genetic marker grouping analysis information obtained under
6 this Act also may be released by court order pursuant to a
7 motion under Section 114-15 of the Code of Criminal Procedure
8 of 1963 to a defendant who meets all of the requirements
9 under that Section. The genetic marker grouping analysis
10 information obtained pursuant to this Act shall be used only
11 for (i) valid law enforcement identification purposes and as
12 required by the Federal Bureau of Investigation for
13 participation in the National DNA database or (ii) technology
14 validation purposes. Notwithstanding any other statutory
15 provision to the contrary, all information obtained under
16 this Section shall be maintained in a single State data base,
17 which may be uploaded into a national database, and which
18 information may be subject to expungement only as set forth
19 in subsection (f-1).

20 (f-1) Upon receipt of notification of a reversal of a
21 conviction based on actual innocence, or of the granting of a
22 pardon pursuant to Section 12 of Article V of the Illinois
23 Constitution, if that pardon document specifically states
24 that the reason for the pardon is the actual innocence of an
25 individual whose DNA record has been stored in the State or
26 national DNA identification index in accordance with this
27 Section by the Illinois Department of State Police, the DNA
28 record shall be expunged from the DNA identification index,
29 and the Department shall by rule prescribe procedures to
30 ensure that the record and any samples, analyses, or other
31 documents relating to such record, whether in the possession
32 of the Department or any law enforcement or police agency, or
33 any forensic DNA laboratory, including any duplicates or
34 copies thereof, are destroyed and a letter is sent to the

1 court verifying the expungement is completed.

2 (f-5) Any person who intentionally uses genetic marker
3 grouping analysis information, or any other information
4 derived from a DNA sample, beyond the authorized uses as
5 provided under this Section, or any other Illinois law, is
6 guilty of a Class 4 felony, and shall be subject to a fine of
7 not less than \$5,000.

8 (g) For the purposes of this Section, "qualifying
9 offense" means any of the following:

10 (1) any violation or inchoate violation of Section
11 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the
12 Criminal Code of 1961;~~i7-er~~

13 (1.1) any violation or inchoate violation of
14 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
15 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
16 for which persons are convicted on or after July 1,
17 2001;~~i7-er~~

18 (2) any former statute of this State which defined
19 a felony sexual offense;~~i7-er~~

20 (3) (blank);~~i7-er~~

21 (4) any inchoate violation of Section 9-3.1,
22 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961;~~i7~~
23 or

24 (5) any violation or inchoate violation of Article
25 29D of the Criminal Code of 1961.

26 (g-5) (Blank).

27 (h) The Illinois Department of State Police shall be the
28 State central repository for all genetic marker grouping
29 analysis information obtained pursuant to this Act. The
30 Illinois Department of State Police may promulgate rules for
31 the form and manner of the collection of blood, saliva, or
32 tissue samples and other procedures for the operation of this
33 Act. The provisions of the Administrative Review Law shall
34 apply to all actions taken under the rules so promulgated.

1 (i) A person required to provide a blood, saliva, or
2 tissue specimen shall cooperate with the collection of the
3 specimen and any deliberate act by that person intended to
4 impede, delay or stop the collection of the blood, saliva, or
5 tissue specimen is a Class A misdemeanor.

6 (j) Any person required by subsection (a) to submit
7 specimens of blood, saliva, or tissue to the Illinois
8 Department of State Police for analysis and categorization
9 into genetic marker grouping, in addition to any other
10 disposition, penalty, or fine imposed, shall pay an analysis
11 fee of \$200. If the analysis fee is not paid at the time of
12 sentencing, the court shall establish a fee schedule by which
13 the entire amount of the analysis fee shall be paid in full,
14 such schedule not to exceed 24 months from the time of
15 conviction. The inability to pay this analysis fee shall not
16 be the sole ground to incarcerate the person.

17 (k) All analysis and categorization fees provided for by
18 subsection (j) shall be regulated as follows:

19 (1) The State Offender DNA Identification System
20 Fund is hereby created as a special fund in the State
21 Treasury.

22 (2) All fees shall be collected by the clerk of the
23 court and forwarded to the State Offender DNA
24 Identification System Fund for deposit. The clerk of the
25 circuit court may retain the amount of \$10 from each
26 collected analysis fee to offset administrative costs
27 incurred in carrying out the clerk's responsibilities
28 under this Section.

29 (3) Fees deposited into the State Offender DNA
30 Identification System Fund shall be used by Illinois
31 State Police crime laboratories as designated by the
32 Director of State Police. These funds shall be in
33 addition to any allocations made pursuant to existing
34 laws and shall be designated for the exclusive use of

1 State crime laboratories. These uses may include, but
2 are not limited to, the following:

3 (A) Costs incurred in providing analysis and
4 genetic marker categorization as required by
5 subsection (d).

6 (B) Costs incurred in maintaining genetic
7 marker groupings as required by subsection (e).

8 (C) Costs incurred in the purchase and
9 maintenance of equipment for use in performing
10 analyses.

11 (D) Costs incurred in continuing research and
12 development of new techniques for analysis and
13 genetic marker categorization.

14 (E) Costs incurred in continuing education,
15 training, and professional development of forensic
16 scientists regularly employed by these laboratories.

17 (1) The failure of a person to provide a specimen, or of
18 any person or agency to collect a specimen, within the 45 day
19 period shall in no way alter the obligation of the person to
20 submit such specimen, or the authority of the Illinois
21 Department of State Police or persons designated by the
22 Department to collect the specimen, or the authority of the
23 Illinois Department of State Police to accept, analyze and
24 maintain the specimen or to maintain or upload results of
25 genetic marker grouping analysis information into a State or
26 national database.

27 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;
28 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff.
29 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised
30 1-20-03.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.

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- 55 ILCS 5/3-4006 from Ch. 34, par. 3-4006
- 720 ILCS 5/8-4 from Ch. 38, par. 8-4
- 720 ILCS 5/9-1 from Ch. 38, par. 9-1
- 720 ILCS 5/14-3 from Ch. 38, par. 14-3
- 725 ILCS 5/114-13 from Ch. 38, par. 114-13
- 725 ILCS 5/114-15 new
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- 725 ILCS 5/122-1 from Ch. 38, par. 122-1
- 725 ILCS 5/122-2.1 from Ch. 38, par. 122-2.1
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- 725 ILCS 124/19
- 730 ILCS 5/3-3-13 from Ch. 38, par. 1003-3-13
- 730 ILCS 5/5-2-7 new
- 730 ILCS 5/5-4-3 from Ch. 38, par. 1005-4-3