



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0598

Introduced 1/27/2005, by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-802.3 new

Amends the Code of Civil Procedure to create an informant's privilege. Provides that if an individual (i) submits information concerning a criminal act to a law enforcement agency or to a community organization that acts as an intermediary in reporting to law enforcement and (ii) requests anonymity, then the identity of that individual is privileged and confidential and is not subject to discovery or admissible in evidence in a proceeding. Provides that there is no privilege if a court, after a hearing in camera, finds that the party seeking discovery or the proponent of the evidence has shown that: (1) the identity of an individual who submits information concerning a criminal act is sought or offered in a court proceeding involving a felony or misdemeanor; (2) the evidence is not otherwise available; and (3) nondisclosure infringes upon a constitutional right of an accused, or there is a need for the evidence that substantially outweighs the interest in protecting confidentiality. Provides that the court may impose such sanctions as are necessary to enforce its order.

LRB094 06997 RLC 37118 b

1 AN ACT concerning privileged communications.

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

4 Section 5. The Code of Civil Procedure is amended by adding  
5 Section 8-802.3 as follows:

6 (735 ILCS 5/8-802.3 new)

7 Sec. 8-802.3. Informant's privilege.

8 (a) Except as provided in subsection (b), if an individual  
9 (i) submits information concerning a criminal act to a law  
10 enforcement agency or to a community organization that acts as  
11 an intermediary in reporting to law enforcement and (ii)  
12 requests anonymity, then the identity of that individual is  
13 privileged and confidential and is not subject to discovery or  
14 admissible in evidence in a proceeding.

15 (b) There is no privilege under subsection (a) if a court,  
16 after a hearing in camera, finds that the party seeking  
17 discovery or the proponent of the evidence has shown that:

18 (1) the identity of an individual who submits  
19 information concerning a criminal act is sought or offered  
20 in a court proceeding involving a felony or misdemeanor;

21 (2) the evidence is not otherwise available; and

22 (3) nondisclosure infringes upon a constitutional  
23 right of an accused, or there is a need for the evidence  
24 that substantially outweighs the interest in protecting  
25 confidentiality.

26 (c) The court may impose such sanctions as are necessary to  
27 enforce its order.