

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.