



Sen. James T. Meeks

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1 AMENDMENT TO HOUSE BILL 4647

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4647 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section  
5 34-21.8 as follows:

6 (105 ILCS 5/34-21.8 new)

7 Sec. 34-21.8. Chicago public schools violence prevention  
8 hotline.

9 (a) In consultation with the Chicago Police Department, the  
10 Board must establish a hotline for the purpose of receiving  
11 anonymous phone calls for information that may prevent  
12 violence.

13 (b) Calls that are placed to the hotline must be answered  
14 by the Chicago Police Department.

15 (c) Each call placed to the hotline must be recorded and  
16 investigated by the Chicago Police Department.

1       (d) Prior to receiving any information, notice must be  
2 provided to the caller that the call is being recorded for  
3 investigation by the Chicago Police Department. The notice may  
4 be provided by a pre-recorded message or otherwise.

5       (e) The hotline shall be known as the "CPS Violence  
6 Prevention Hotline" and its number and anonymous nature must be  
7 posted in all Chicago Public Schools.

8       Section 10. The Criminal Code of 1961 is amended by  
9 changing Section 14-3 as follows:

10       (720 ILCS 5/14-3)

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

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

15       (b) Hearing conversation when heard by employees of any  
16 common carrier by wire incidental to the normal course of their  
17 employment in the operation, maintenance or repair of the  
18 equipment of such common carrier by wire so long as no  
19 information obtained thereby is used or divulged by the hearer;

20       (c) Any broadcast by radio, television or otherwise whether  
21 it be a broadcast or recorded for the purpose of later  
22 broadcasts of any function where the public is in attendance  
23 and the conversations are overheard incidental to the main  
24 purpose for which such broadcasts are then being 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 be  
10 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 and  
17 shall not be otherwise disseminated. Failure on the part of the  
18 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 of  
22 this Section;

23 (g) With prior notification to the State's Attorney of the  
24 county in which it is to occur, recording or listening with the  
25 aid of any device to any conversation where a law enforcement  
26 officer, or any person acting at the direction of law

1 enforcement, is a party to the conversation and has consented  
2 to it being intercepted or recorded under circumstances where  
3 the use of the device is necessary for the protection of the  
4 law enforcement officer or any person acting at the direction  
5 of law enforcement, in the course of an investigation of a  
6 forcible felony, a felony violation of the Illinois Controlled  
7 Substances Act, a felony violation of the Cannabis Control Act,  
8 a felony violation of the Methamphetamine Control and Community  
9 Protection Act, any "streetgang related" or "gang-related"  
10 felony as those terms are defined in the Illinois Streetgang  
11 Terrorism Omnibus Prevention Act, or any felony offense  
12 involving any weapon listed in paragraphs (1) through (11) of  
13 subsection (a) of Section 24-1 of this Code. Any recording or  
14 evidence derived as the result of this exemption shall be  
15 inadmissible in any proceeding, criminal, civil or  
16 administrative, except (i) where a party to the conversation  
17 suffers great bodily injury or is killed during such  
18 conversation, or (ii) when used as direct impeachment of a  
19 witness concerning matters contained in the interception or  
20 recording. The Director of the Department of State Police shall  
21 issue regulations as are necessary concerning the use of  
22 devices, retention of tape recordings, and reports regarding  
23 their use;

24 (g-5) With approval of the State's Attorney of the county  
25 in which it is to occur, recording or listening with the aid of  
26 any device to any conversation where a law enforcement officer,

1 or any person acting at the direction of law enforcement, is a  
2 party to the conversation and has consented to it being  
3 intercepted or recorded in the course of an investigation of  
4 any offense defined in Article 29D of this Code. In all such  
5 cases, an application for an order approving the previous or  
6 continuing use of an eavesdropping device must be made within  
7 48 hours of the commencement of such use. In the absence of  
8 such an order, or upon its denial, any continuing use shall  
9 immediately terminate. The Director of State Police shall issue  
10 rules as are necessary concerning the use of devices, retention  
11 of tape recordings, and reports regarding their use.

12 Any recording or evidence obtained or derived in the course  
13 of an investigation of any offense defined in Article 29D of  
14 this Code shall, upon motion of the State's Attorney or  
15 Attorney General prosecuting any violation of Article 29D, be  
16 reviewed in camera with notice to all parties present by the  
17 court presiding over the criminal case, and, if ruled by the  
18 court to be relevant and otherwise admissible, it shall be  
19 admissible at the trial of the criminal case.

20 This subsection (g-5) is inoperative on and after January  
21 1, 2005. No conversations recorded or monitored pursuant to  
22 this subsection (g-5) shall be inadmissible in a court of law  
23 by virtue of the repeal of this subsection (g-5) on January 1,  
24 2005;

25 (g-6) With approval of the State's Attorney of the county  
26 in which it is to occur, recording or listening with the aid of

1 any device to any conversation where a law enforcement officer,  
2 or any person acting at the direction of law enforcement, is a  
3 party to the conversation and has consented to it being  
4 intercepted or recorded in the course of an investigation of  
5 child pornography, aggravated child pornography, indecent  
6 solicitation of a child, child abduction, luring of a minor,  
7 sexual exploitation of a child, predatory criminal sexual  
8 assault of a child, aggravated criminal sexual abuse in which  
9 the victim of the offense was at the time of the commission of  
10 the offense under 18 years of age, criminal sexual abuse by  
11 force or threat of force in which the victim of the offense was  
12 at the time of the commission of the offense under 18 years of  
13 age, or aggravated criminal sexual assault in which the victim  
14 of the offense was at the time of the commission of the offense  
15 under 18 years of age. In all such cases, an application for an  
16 order approving the previous or continuing use of an  
17 eavesdropping device must be made within 48 hours of the  
18 commencement of such use. In the absence of such an order, or  
19 upon its denial, any continuing use shall immediately  
20 terminate. The Director of State Police shall issue rules as  
21 are necessary concerning the use of devices, retention of  
22 recordings, and reports regarding their use. Any recording or  
23 evidence obtained or derived in the course of an investigation  
24 of child pornography, aggravated child pornography, indecent  
25 solicitation of a child, child abduction, luring of a minor,  
26 sexual exploitation of a child, predatory criminal sexual

1 assault of a child, aggravated criminal sexual abuse in which  
2 the victim of the offense was at the time of the commission of  
3 the offense under 18 years of age, criminal sexual abuse by  
4 force or threat of force in which the victim of the offense was  
5 at the time of the commission of the offense under 18 years of  
6 age, or aggravated criminal sexual assault in which the victim  
7 of the offense was at the time of the commission of the offense  
8 under 18 years of age shall, upon motion of the State's  
9 Attorney or Attorney General prosecuting any case involving  
10 child pornography, aggravated child pornography, indecent  
11 solicitation of a child, child abduction, luring of a minor,  
12 sexual exploitation of a child, predatory criminal sexual  
13 assault of a child, aggravated criminal sexual abuse in which  
14 the victim of the offense was at the time of the commission of  
15 the offense under 18 years of age, criminal sexual abuse by  
16 force or threat of force in which the victim of the offense was  
17 at the time of the commission of the offense under 18 years of  
18 age, or aggravated criminal sexual assault in which the victim  
19 of the offense was at the time of the commission of the offense  
20 under 18 years of age, be reviewed in camera with notice to all  
21 parties present by the court presiding over the criminal case,  
22 and, if ruled by the court to be relevant and otherwise  
23 admissible, it shall be admissible at the trial of the criminal  
24 case. Absent such a ruling, any such recording or evidence  
25 shall not be admissible at the trial of the criminal case;

26 (h) Recordings made simultaneously with the use of an

1 in-car video camera recording of an oral conversation between a  
2 uniformed peace officer, who has identified his or her office,  
3 and a person in the presence of the peace officer whenever (i)  
4 an officer assigned a patrol vehicle is conducting an  
5 enforcement stop; or (ii) patrol vehicle emergency lights are  
6 activated or would otherwise be activated if not for the need  
7 to conceal the presence of law enforcement.

8 For the purposes of this subsection (h), "enforcement stop"  
9 means an action by a law enforcement officer in relation to  
10 enforcement and investigation duties, including but not  
11 limited to, traffic stops, pedestrian stops, abandoned vehicle  
12 contacts, motorist assists, commercial motor vehicle stops,  
13 roadside safety checks, requests for identification, or  
14 responses to requests for emergency assistance;

15 (h-5) Recordings of utterances made by a person while in  
16 the presence of a uniformed peace officer and while an occupant  
17 of a police vehicle including, but not limited to, (i)  
18 recordings made simultaneously with the use of an in-car video  
19 camera and (ii) recordings made in the presence of the peace  
20 officer utilizing video or audio systems, or both, authorized  
21 by the law enforcement agency;

22 (h-10) Recordings made simultaneously with a video camera  
23 recording during the use of a taser or similar weapon or device  
24 by a peace officer if the weapon or device is equipped with  
25 such camera;

26 (h-15) Recordings made under subsection (h), (h-5), or



1 (h-10) shall be retained by the law enforcement agency that  
2 employs the peace officer who made the recordings for a storage  
3 period of 90 days, unless the recordings are made as a part of  
4 an arrest or the recordings are deemed evidence in any  
5 criminal, civil, or administrative proceeding and then the  
6 recordings must only be destroyed upon a final disposition and  
7 an order from the court. Under no circumstances shall any  
8 recording be altered or erased prior to the expiration of the  
9 designated storage period. Upon completion of the storage  
10 period, the recording medium may be erased and reissued for  
11 operational use;

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

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

1 when:

2 (i) the monitoring is used for the purpose of service  
3 quality control of marketing or opinion research or  
4 telephone solicitation, the education or training of  
5 employees or contractors engaged in marketing or opinion  
6 research or telephone solicitation, or internal research  
7 related to marketing or opinion research or telephone  
8 solicitation; and

9 (ii) the monitoring is used with the consent of at  
10 least one person who is an active party to the marketing or  
11 opinion research conversation or telephone solicitation  
12 conversation being monitored.

13 No communication or conversation or any part, portion, or  
14 aspect of the communication or conversation made, acquired, or  
15 obtained, directly or indirectly, under this exemption (j), may  
16 be, directly or indirectly, furnished to any law enforcement  
17 officer, agency, or official for any purpose or used in any  
18 inquiry or investigation, or used, directly or indirectly, in  
19 any administrative, judicial, or other proceeding, or divulged  
20 to any third party.

21 When recording or listening authorized by this subsection  
22 (j) on telephone lines used for marketing or opinion research  
23 or telephone solicitation purposes results in recording or  
24 listening to a conversation that does not relate to marketing  
25 or opinion research or telephone solicitation; the person  
26 recording or listening shall, immediately upon determining

1 that the conversation does not relate to marketing or opinion  
2 research or telephone solicitation, terminate the recording or  
3 listening and destroy any such recording as soon as is  
4 practicable.

5 Business entities that use a telephone monitoring or  
6 telephone recording system pursuant to this exemption (j) shall  
7 provide current and prospective employees with notice that the  
8 monitoring or recordings may occur during the course of their  
9 employment. The notice shall include prominent signage  
10 notification within the workplace.

11 Business entities that use a telephone monitoring or  
12 telephone recording system pursuant to this exemption (j) shall  
13 provide their employees or agents with access to personal-only  
14 telephone lines which may be pay telephones, that are not  
15 subject to telephone monitoring or telephone recording.

16 For the purposes of this subsection (j), "telephone  
17 solicitation" means a communication through the use of a  
18 telephone by live operators:

- 19 (i) soliciting the sale of goods or services;  
20 (ii) receiving orders for the sale of goods or  
21 services;  
22 (iii) assisting in the use of goods or services; or  
23 (iv) engaging in the solicitation, administration, or  
24 collection of bank or retail credit accounts.

25 For the purposes of this subsection (j), "marketing or  
26 opinion research" means a marketing or opinion research

1 interview conducted by a live telephone interviewer engaged by  
2 a corporation or other business entity whose principal business  
3 is the design, conduct, and analysis of polls and surveys  
4 measuring the opinions, attitudes, and responses of  
5 respondents toward products and services, or social or  
6 political issues, or both;

7 (k) Electronic recordings, including but not limited to, a  
8 motion picture, videotape, digital, or other visual or audio  
9 recording, made of a custodial interrogation of an individual  
10 at a police station or other place of detention by a law  
11 enforcement officer under Section 5-401.5 of the Juvenile Court  
12 Act of 1987 or Section 103-2.1 of the Code of Criminal  
13 Procedure of 1963;

14 (l) Recording the interview or statement of any person when  
15 the person knows that the interview is being conducted by a law  
16 enforcement officer or prosecutor and the interview takes place  
17 at a police station that is currently participating in the  
18 Custodial Interview Pilot Program established under the  
19 Illinois Criminal Justice Information Act;

20 (m) An electronic recording, including but not limited to,  
21 a motion picture, videotape, digital, or other visual or audio  
22 recording, made of the interior of a school bus while the  
23 school bus is being used in the transportation of students to  
24 and from school and school-sponsored activities, when the  
25 school board has adopted a policy authorizing such recording,  
26 notice of such recording policy is included in student

1 handbooks and other documents including the policies of the  
2 school, notice of the policy regarding recording is provided to  
3 parents of students, and notice of such recording is clearly  
4 posted on the door of and inside the school bus.

5 Recordings made pursuant to this subsection (m) shall be  
6 confidential records and may only be used by school officials  
7 (or their designees) and law enforcement personnel for  
8 investigations, school disciplinary actions and hearings,  
9 proceedings under the Juvenile Court Act of 1987, and criminal  
10 prosecutions, related to incidents occurring in or around the  
11 school bus;

12 (n) Recording or listening to an audio transmission from a  
13 microphone placed by a person under the authority of a law  
14 enforcement agency inside a bait car surveillance vehicle while  
15 simultaneously capturing a photographic or video image; ~~and~~

16 (o) The use of an eavesdropping camera or audio device  
17 during an ongoing hostage or barricade situation by a law  
18 enforcement officer or individual acting on behalf of a law  
19 enforcement officer when the use of such device is necessary to  
20 protect the safety of the general public, hostages, or law  
21 enforcement officers or anyone acting on their behalf; and -

22 (p) Recording or listening with the aid of any device to  
23 incoming telephone calls of phone lines publicly listed or  
24 advertised as the "CPS Violence Prevention Hotline," but only  
25 where the notice of recording is given at the beginning of each  
26 call as required by Section 34-21.8 of the School Code. The

1 recordings may be retained only by the Chicago Police  
2 Department or other law enforcement authorities, and shall not  
3 be otherwise retained or disseminated.

4 (Source: P.A. 95-258, eff. 1-1-08; 95-352, eff. 8-23-07;  
5 95-463, eff. 6-1-08; 95-876, eff. 8-21-08; 96-425, eff.  
6 8-13-09; 96-547, eff. 1-1-10; 96-643, eff. 1-1-10; 96-670, eff.  
7 8-25-09; revised 10-9-09.)

8 Section 90. The State Mandates Act is amended by adding  
9 Section 8.34 as follows:

10 (30 ILCS 805/8.34 new)

11 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
12 of this Act, no reimbursement by the State is required for the  
13 implementation of any mandate created by this amendatory Act of  
14 the 96th General Assembly."