



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5462

Introduced 2/5/2010, by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

725 ILCS 215/2	from Ch. 38, par. 1702
725 ILCS 215/3	from Ch. 38, par. 1703
725 ILCS 215/4	from Ch. 38, par. 1704

Amends the Statewide Grand Jury Act. Provides that a Statewide Grand Jury may be convened to investigate violations of offenses involving the corruption of a public official, including theft, fraud, extortion, and a violation of the Official Misconduct Article or the Public Contracts Article of the Criminal Code of 1961.

LRB096 17418 RLC 32772 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Statewide Grand Jury Act is amended by
5 changing Sections 2, 3, and 4 as follows:

6 (725 ILCS 215/2) (from Ch. 38, par. 1702)

7 Sec. 2. (a) County grand juries and State's Attorneys have
8 always had and shall continue to have primary responsibility
9 for investigating, indicting, and prosecuting persons who
10 violate the criminal laws of the State of Illinois. However, in
11 recent years organized terrorist activity directed against
12 innocent civilians, ~~and~~ certain criminal enterprises, and
13 public corruption have developed that require investigation,
14 indictment, and prosecution on a statewide or multicounty
15 level. The criminal enterprises exist as a result of the allure
16 of profitability present in narcotic activity, public
17 corruption, the unlawful sale and transfer of firearms, and
18 streetgang related felonies and organized terrorist activity
19 is supported by the contribution of money and expert assistance
20 from geographically diverse sources. In order to shut off the
21 life blood of terrorism and weaken or eliminate the criminal
22 enterprises, assets, and property used to further these
23 offenses must be frozen, and any profit must be removed. State

1 statutes exist that can accomplish that goal. Among them are
2 the offense of money laundering, the Cannabis and Controlled
3 Substances Tax Act, violations of Articles Article 29D, 33, and
4 33E of the Criminal Code of 1961, the Narcotics Profit
5 Forfeiture Act, and gunrunning. Local prosecutors need
6 investigative personnel and specialized training to attack and
7 eliminate these profits. In light of the transitory and complex
8 nature of conduct that constitutes these criminal activities,
9 the many diverse property interests that may be used, acquired
10 directly or indirectly as a result of these criminal
11 activities, and the many places that illegally obtained
12 property may be located, it is the purpose of this Act to
13 create a limited, multicounty Statewide Grand Jury with
14 authority to investigate, indict, and prosecute: narcotic
15 activity, including cannabis and controlled substance
16 trafficking, narcotics racketeering, money laundering,
17 violations of the Cannabis and Controlled Substances Tax Act,
18 ~~and~~ violations of Articles Article 29D, 33, and 33E of the
19 Criminal Code of 1961; public corruption crimes; the unlawful
20 sale and transfer of firearms; gunrunning; and streetgang
21 related felonies.

22 (b) A Statewide Grand Jury may also investigate, indict,
23 and prosecute violations facilitated by the use of a computer
24 of any of the following offenses: indecent solicitation of a
25 child, sexual exploitation of a child, soliciting for a
26 juvenile prostitute, keeping a place of juvenile prostitution,

1 juvenile pimping, or child pornography.

2 (Source: P.A. 91-225, eff. 1-1-00; 92-854, eff. 12-5-02.)

3 (725 ILCS 215/3) (from Ch. 38, par. 1703)

4 Sec. 3. Written application for the appointment of a
5 Circuit Judge to convene and preside over a Statewide Grand
6 Jury, with jurisdiction extending throughout the State, shall
7 be made to the Chief Justice of the Supreme Court. Upon such
8 written application, the Chief Justice of the Supreme Court
9 shall appoint a Circuit Judge from the circuit where the
10 Statewide Grand Jury is being sought to be convened, who shall
11 make a determination that the convening of a Statewide Grand
12 Jury is necessary.

13 In such application the Attorney General shall state that
14 the convening of a Statewide Grand Jury is necessary because of
15 an alleged offense or offenses set forth in this Section
16 involving more than one county of the State and identifying any
17 such offense alleged; and

18 (a) that he or she believes that the grand jury
19 function for the investigation and indictment of the
20 offense or offenses cannot effectively be performed by a
21 county grand jury together with the reasons for such
22 belief, and

23 (b) (1) that each State's Attorney with jurisdiction
24 over an offense or offenses to be investigated has
25 consented to the impaneling of the Statewide Grand

1 Jury, or

2 (2) if one or more of the State's Attorneys having
3 jurisdiction over an offense or offenses to be
4 investigated fails to consent to the impaneling of the
5 Statewide Grand Jury, the Attorney General shall set
6 forth good cause for impaneling the Statewide Grand
7 Jury.

8 If the Circuit Judge determines that the convening of a
9 Statewide Grand Jury is necessary, he or she shall convene and
10 impanel the Statewide Grand Jury with jurisdiction extending
11 throughout the State to investigate and return indictments:

12 (a) For violations of any of the following or for any
13 other criminal offense committed in the course of violating
14 any of the following: Article 29D of the Criminal Code of
15 1961, the Illinois Controlled Substances Act, the Cannabis
16 Control Act, the Methamphetamine Control and Community
17 Protection Act, the Narcotics Profit Forfeiture Act, or the
18 Cannabis and Controlled Substances Tax Act; a streetgang
19 related felony offense; Section 24-2.1, 24-2.2, 24-3,
20 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
21 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
22 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a
23 money laundering offense; provided that the violation or
24 offense involves acts occurring in more than one county of
25 this State; and

26 (a-5) For violations facilitated by the use of a

1 computer, including the use of the Internet, the World Wide
2 Web, electronic mail, message board, newsgroup, or any
3 other commercial or noncommercial on-line service, of any
4 of the following offenses: indecent solicitation of a
5 child, sexual exploitation of a child, soliciting for a
6 juvenile prostitute, keeping a place of juvenile
7 prostitution, juvenile pimping, or child pornography; and

8 (a-6) For violations of offenses involving the
9 corruption of a public official, including theft, fraud,
10 extortion, and a violation of Article 33 or 33E of the
11 Criminal Code of 1961; and

12 (b) For the offenses of perjury, subornation of
13 perjury, communicating with jurors and witnesses, and
14 harassment of jurors and witnesses, as they relate to
15 matters before the Statewide Grand Jury.

16 "Streetgang related" has the meaning ascribed to it in
17 Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 Upon written application by the Attorney General for the
20 convening of an additional Statewide Grand Jury, the Chief
21 Justice of the Supreme Court shall appoint a Circuit Judge from
22 the circuit for which the additional Statewide Grand Jury is
23 sought. The Circuit Judge shall determine the necessity for an
24 additional Statewide Grand Jury in accordance with the
25 provisions of this Section. No more than 2 Statewide Grand
26 Juries may be empaneled at any time.

1 (Source: P.A. 94-556, eff. 9-11-05.)

2 (725 ILCS 215/4) (from Ch. 38, par. 1704)

3 Sec. 4. (a) The presiding judge of the Statewide Grand Jury
4 will receive recommendations from the Attorney General as to
5 the county in which the Grand Jury will sit. Prior to making
6 the recommendations, the Attorney General shall obtain the
7 permission of the local State's Attorney to use his or her
8 county for the site of the Statewide Grand Jury. Upon receiving
9 the Attorney General's recommendations, the presiding judge
10 will choose one of those recommended locations as the site
11 where the Grand Jury shall sit.

12 Any indictment by a Statewide Grand Jury shall be returned
13 to the Circuit Judge presiding over the Statewide Grand Jury
14 and shall include a finding as to the county or counties in
15 which the alleged offense was committed. Thereupon, the judge
16 shall, by order, designate the county of venue for the purpose
17 of trial. The judge may also, by order, direct the
18 consolidation of an indictment returned by a county grand jury
19 with an indictment returned by the Statewide Grand Jury and set
20 venue for trial.

21 (b) Venue for purposes of trial for the offense of
22 narcotics racketeering shall be proper in any county where:

23 (1) Cannabis or a controlled substance which is the
24 basis for the charge of narcotics racketeering was used;
25 acquired; transferred or distributed to, from or through;

1 or any county where any act was performed to further the
2 use; acquisition, transfer or distribution of said
3 cannabis or controlled substance; or

4 (2) Any money, property, property interest, or any
5 other asset generated by narcotics activities was
6 acquired, used, sold, transferred or distributed to, from
7 or through; or,

8 (3) Any enterprise interest obtained as a result of
9 narcotics racketeering was acquired, used, transferred or
10 distributed to, from or through, or where any activity was
11 conducted by the enterprise or any conduct to further the
12 interests of such an enterprise.

13 (c) Venue for purposes of trial for the offense of money
14 laundering shall be proper in any county where any part of a
15 financial transaction in criminally derived property took
16 place, or in any county where any money or monetary interest
17 which is the basis for the offense, was acquired, used, sold,
18 transferred or distributed to, from, or through.

19 (d) A person who commits the offense of cannabis
20 trafficking or controlled substance trafficking may be tried in
21 any county.

22 (e) Venue for purposes of trial for any violation of
23 Article 29D of the Criminal Code of 1961 may be in the county
24 in which an act of terrorism occurs, the county in which
25 material support or resources are provided or solicited, the
26 county in which criminal assistance is rendered, or any county

1 in which any act in furtherance of any violation of Article 29D
2 of the Criminal Code of 1961 occurs.

3 (f) Venue for purposes of trial for any offense involving
4 the corruption of a public official may be in the county in
5 which the offense occurred.

6 (Source: P.A. 92-854, eff. 12-5-02.)