



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5964

Introduced 2/10/2010, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/108B-3

from Ch. 38, par. 108B-3

Amends the Code of Criminal Procedure of 1963. Provides that the State's Attorney, or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability, may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a felony offense as defined in the Criminal Code of 1961 (rather than a specified offense). Effective immediately.

LRB096 18095 RLC 33470 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 Code of Criminal Procedure of 1963 is  
5 amended by changing Section 108B-3 as follows:

6 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

7 Sec. 108B-3. Authorization for the interception of private  
8 communication.

9 (a) The State's Attorney, or a person designated in writing  
10 or by law to act for him and to perform his duties during his  
11 absence or disability, may authorize, in writing, an ex parte  
12 application to the chief judge of a court of competent  
13 jurisdiction for an order authorizing the interception of a  
14 private communication when no party has consented to the  
15 interception and (i) the interception may provide evidence of,  
16 or may assist in the apprehension of a person who has  
17 committed, is committing or is about to commit, a felony  
18 offense as defined in the Criminal Code of 1961; (ii) violation  
19 of Section 8-1(b) (solicitation of murder), 8-1.2  
20 (solicitation of murder for hire), 9-1 (first degree murder),  
21 or 29B-1 (money laundering) of the Criminal Code of 1961,  
22 Section 401, 401.1 (controlled substance trafficking), 405,  
23 405.1 (criminal drug conspiracy) or 407 of the Illinois

1 ~~Controlled Substances Act or any Section of the Methamphetamine~~  
2 ~~Control and Community Protection Act, a violation of Section~~  
3 ~~24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or~~  
4 ~~subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),~~  
5 ~~24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or~~  
6 ~~conspiracy to commit money laundering or conspiracy to commit~~  
7 ~~first degree murder; (ii) in response to a clear and present~~  
8 ~~danger of imminent death or great bodily harm to persons~~  
9 ~~resulting from: (1) a kidnapping or the holding of a hostage by~~  
10 ~~force or the threat of the imminent use of force; or (2) the~~  
11 ~~occupation by force or the threat of the imminent use of force~~  
12 ~~of any premises, place, vehicle, vessel or aircraft; (iii) to~~  
13 aid an investigation or prosecution of a civil action brought  
14 under the Illinois Streetgang Terrorism Omnibus Prevention Act  
15 when there is probable cause to believe the interception of the  
16 private communication will provide evidence that a streetgang  
17 is committing, has committed, or will commit a second or  
18 subsequent gang-related offense or that the interception of the  
19 private communication will aid in the collection of a judgment  
20 entered under that Act; or (iii) ~~(iv)~~ upon information and  
21 belief that a streetgang has committed, is committing, or is  
22 about to commit a felony.

23 (b) The State's Attorney or a person designated in writing  
24 or by law to act for the State's Attorney and to perform his or  
25 her duties during his or her absence or disability, may  
26 authorize, in writing, an ex parte application to the chief

1 judge of a circuit court for an order authorizing the  
2 interception of a private communication when no party has  
3 consented to the interception and the interception may provide  
4 evidence of, or may assist in the apprehension of a person who  
5 has committed, is committing or is about to commit, a violation  
6 of an offense under Article 29D of the Criminal Code of 1961.

7 (b-1) Subsection (b) is inoperative on and after January 1,  
8 2005.

9 (b-2) No conversations recorded or monitored pursuant to  
10 subsection (b) shall be made inadmissible in a court of law by  
11 virtue of subsection (b-1).

12 (c) As used in this Section, "streetgang" and  
13 "gang-related" have the meanings ascribed to them in Section 10  
14 of the Illinois Streetgang Terrorism Omnibus Prevention Act.  
15 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.