



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5249

Introduced 2/8/2012, by Rep. William Cunningham

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/108B-9

from Ch. 38, par. 108B-9

Amends the Code of Criminal Procedure of 1963. Provides that the contents of recordings of a private communication intercepted under the Electronic Criminal Surveillance Article of the Code may be used to the extent that use is appropriate to the proper performance of official duties by an investigative officer, including an attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in that Article or law enforcement officer who, by any means authorized in that Article, has obtained knowledge of the contents of any conversation overheard or recorded by use of an eavesdropping device or evidence derived from that use. Effective immediately.

LRB097 18016 RLC 63239 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-9 as follows:

6 (725 ILCS 5/108B-9) (from Ch. 38, par. 108B-9)

7 Sec. 108B-9. Recordings, records and custody.

8 (a) Any private communication intercepted in accordance  
9 with this Article shall, if practicable, be recorded by tape or  
10 other comparable method. The recording shall, if practicable,  
11 be done in such a way as will protect it from editing or other  
12 alteration. During an interception, the interception shall be  
13 carried out by an electronic criminal surveillance officer,  
14 and, if practicable, such officer shall keep a signed, written  
15 record, including:

16 (1) the date and hours of surveillance;

17 (2) the time and duration of each intercepted  
18 communication;

19 (3) the parties, if known, to each intercepted  
20 conversation; and

21 (4) a summary of the contents of each intercepted  
22 communication.

23 (b) Immediately upon the expiration of the order or its

1 extensions, the tapes and other recordings shall be transferred  
2 to the chief judge issuing the order and sealed under his  
3 direction. Custody of the tapes, or other recordings, shall be  
4 maintained wherever the chief judge directs. They shall not be  
5 destroyed except upon an order of a court of competent  
6 jurisdiction and in any event shall be kept for 10 years.  
7 Duplicate tapes or other recordings may be made for disclosure  
8 or use under paragraph (a) or (b) of Section 108B-2a of this  
9 Article. The presence of the seal provided by this Section, or  
10 a satisfactory explanation for its absence, shall be a  
11 prerequisite for the disclosure of the contents of any private  
12 communication, or evidence derived from it, under paragraph (b)  
13 of Section 108B-2a of this Article.

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

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