

1 AMENDMENT TO HOUSE BILL 2299

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2299 by replacing  
3 the title with the following:

4 "AN ACT in relation to terrorism."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Solicitation for Charity Act is amended  
8 by adding Section 16.5 as follows:

9 (225 ILCS 460/16.5 new)

10 Sec. 16.5. Terrorist acts.

11 (a) Any person or organization subject to registration  
12 under this Act, who acts to further, directly or indirectly,  
13 or uses charitable assets to conduct or further, directly or  
14 indirectly, an act or actions as set forth in Article 29D of  
15 the Criminal Code of 1961, is thereby engaged in an act or  
16 actions contrary to public policy and antithetical to  
17 charity, and all of the funds, assets, and records of the  
18 person or organization shall be subject to temporary and  
19 permanent injunction from use or expenditure and the  
20 appointment of a temporary and permanent receiver to take  
21 possession of all of the assets and related records.

1       (b) Upon a finding that a person or organization has  
2 acted or is in violation of this Section, the person or  
3 organization shall be permanently enjoined from soliciting  
4 funds from the public, holding charitable funds, or acting as  
5 a trustee or fiduciary within Illinois. Upon a finding of  
6 violation all assets and funds held by the person or  
7 organization shall be forfeited to the People of the State of  
8 Illinois or otherwise ordered by the court to be accounted  
9 for and marshaled and then delivered to charitable causes and  
10 uses within the State of Illinois by court order.

11       (c) An ex parte action may be commenced by the Attorney  
12 General, and, upon a showing of reasonable suspicion of a  
13 violation of this Section or Article 29D of the Criminal Code  
14 of 1961, an immediate seizure of books and records and assets  
15 by the Attorney General by and through his or her assistants  
16 or investigators or the Department of State Police shall be  
17 made by order of a court to protect the public, protect the  
18 assets, and allow a full review of the records.

19       (d) A determination under this Section may be made by  
20 any court separate and apart from any criminal proceedings  
21 and the standard of proof shall be that for civil  
22 proceedings.

23       (e) Any use of charitable assets to conduct or further,  
24 directly or indirectly, an act or actions set forth in  
25 Article 29D of the Criminal Code of 1961 shall be a misuse of  
26 charitable assets and breach of fiduciary duty relative to  
27 all other Sections of this Act.

28       Section 10. The Firearm Owners Identification Card Act  
29 is amended by changing Section 8 as follows:

30       (430 ILCS 65/8) (from Ch. 38, par. 83-8)

31       Sec. 8. The Department of State Police has authority to  
32 deny an application for or to revoke and seize a Firearm

1 Owner's Identification Card previously issued under this Act  
2 only if the Department finds that the applicant or the person  
3 to whom such card was issued is or was at the time of  
4 issuance:

5 (a) A person under 21 years of age who has been  
6 convicted of a misdemeanor other than a traffic offense or  
7 adjudged delinquent;

8 (b) A person under 21 years of age who does not have the  
9 written consent of his parent or guardian to acquire and  
10 possess firearms and firearm ammunition, or whose parent or  
11 guardian has revoked such written consent, or where such  
12 parent or guardian does not qualify to have a Firearm Owner's  
13 Identification Card;

14 (c) A person convicted of a felony under the laws of  
15 this or any other jurisdiction;

16 (d) A person addicted to narcotics;

17 (e) A person who has been a patient of a mental  
18 institution within the past 5 years;

19 (f) A person whose mental condition is of such a nature  
20 that it poses a clear and present danger to the applicant,  
21 any other person or persons or the community;

22 For the purposes of this Section, "mental condition"  
23 means a state of mind manifested by violent, suicidal,  
24 threatening or assaultive behavior.

25 (g) A person who is mentally retarded;

26 (h) A person who intentionally makes a false statement  
27 in the Firearm Owner's Identification Card application;

28 (i) An alien who is unlawfully present in the United  
29 States under the laws of the United States;

30 (i-5) An alien who has been admitted to the United  
31 States under a non-immigrant visa (as that term is defined in  
32 Section 101(a)(26) of the Immigration and Nationality Act (8  
33 U.S.C. 1101(a)(26))), except that this subsection (i-5) does  
34 not apply to any alien who has been lawfully admitted to the

1 United States under a non-immigrant visa if that alien is:

2 (1) admitted to the United States for lawful  
3 hunting or sporting purposes;

4 (2) an official representative of a foreign  
5 government who is:

6 (A) accredited to the United States Government  
7 or the Government's mission to an international  
8 organization having its headquarters in the United  
9 States; or

10 (B) en route to or from another country to  
11 which that alien is accredited;

12 (3) an official of a foreign government or  
13 distinguished foreign visitor who has been so designated  
14 by the Department of State;

15 (4) a foreign law enforcement officer of a friendly  
16 foreign government entering the United States on official  
17 business; or

18 (5) one who has received a waiver from the Attorney  
19 General of the United States pursuant to 18 U.S.C.  
20 922(y)(3);

21 (j) A person who is subject to an existing order of  
22 protection prohibiting him or her from possessing a firearm;

23 (k) A person who has been convicted within the past 5  
24 years of battery, assault, aggravated assault, violation of  
25 an order of protection, or a substantially similar offense in  
26 another jurisdiction, in which a firearm was used or  
27 possessed;

28 (l) A person who has been convicted of domestic battery  
29 or a substantially similar offense in another jurisdiction  
30 committed on or after January 1, 1998;

31 (m) A person who has been convicted within the past 5  
32 years of domestic battery or a substantially similar offense  
33 in another jurisdiction committed before January 1, 1998; or

34 (n) A person who is prohibited from acquiring or

1 possessing firearms or firearm ammunition by any Illinois  
2 State statute or by federal law.

3 (Source: P.A. 90-130, eff. 1-1-98; 90-493, eff. 1-1-98;  
4 90-655, eff. 7-30-98; 91-694, eff. 4-13-00.)

5 Section 15. The Criminal Code of 1961 is amended by  
6 changing Sections 9-1, 14-3, and 29B-1 and adding Article 29D  
7 as follows:

8 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

9 Sec. 9-1. First degree Murder - Death penalties -  
10 Exceptions - Separate Hearings - Proof - Findings - Appellate  
11 procedures - Reversals.

12 (a) A person who kills an individual without lawful  
13 justification commits first degree murder if, in performing  
14 the acts which cause the death:

15 (1) he either intends to kill or do great bodily  
16 harm to that individual or another, or knows that such  
17 acts will cause death to that individual or another; or

18 (2) he knows that such acts create a strong  
19 probability of death or great bodily harm to that  
20 individual or another; or

21 (3) he is attempting or committing a forcible  
22 felony other than second degree murder.

23 (b) Aggravating Factors. A defendant who at the time of  
24 the commission of the offense has attained the age of 18 or  
25 more and who has been found guilty of first degree murder may  
26 be sentenced to death if:

27 (1) the murdered individual was a peace officer or  
28 fireman killed in the course of performing his official  
29 duties, to prevent the performance of his official  
30 duties, or in retaliation for performing his official  
31 duties, and the defendant knew or should have known that  
32 the murdered individual was a peace officer or fireman;

1 or

2 (2) the murdered individual was an employee of an  
3 institution or facility of the Department of Corrections,  
4 or any similar local correctional agency, killed in the  
5 course of performing his official duties, to prevent the  
6 performance of his official duties, or in retaliation for  
7 performing his official duties, or the murdered  
8 individual was an inmate at such institution or facility  
9 and was killed on the grounds thereof, or the murdered  
10 individual was otherwise present in such institution or  
11 facility with the knowledge and approval of the chief  
12 administrative officer thereof; or

13 (3) the defendant has been convicted of murdering  
14 two or more individuals under subsection (a) of this  
15 Section or under any law of the United States or of any  
16 state which is substantially similar to subsection (a) of  
17 this Section regardless of whether the deaths occurred  
18 as the result of the same act or of several related or  
19 unrelated acts so long as the deaths were the result of  
20 either an intent to kill more than one person or of  
21 separate acts which the defendant knew would cause death  
22 or create a strong probability of death or great bodily  
23 harm to the murdered individual or another; or

24 (4) the murdered individual was killed as a result  
25 of the hijacking of an airplane, train, ship, bus or  
26 other public conveyance; or

27 (5) the defendant committed the murder pursuant to  
28 a contract, agreement or understanding by which he was to  
29 receive money or anything of value in return for  
30 committing the murder or procured another to commit the  
31 murder for money or anything of value; or

32 (6) the murdered individual was killed in the  
33 course of another felony if:

34 (a) the murdered individual:

1 (i) was actually killed by the defendant,  
2 or  
3 (ii) received physical injuries  
4 personally inflicted by the defendant  
5 substantially contemporaneously with physical  
6 injuries caused by one or more persons for  
7 whose conduct the defendant is legally  
8 accountable under Section 5-2 of this Code, and  
9 the physical injuries inflicted by either the  
10 defendant or the other person or persons for  
11 whose conduct he is legally accountable caused  
12 the death of the murdered individual; and

13 (b) in performing the acts which caused the  
14 death of the murdered individual or which resulted  
15 in physical injuries personally inflicted by the  
16 defendant on the murdered individual under the  
17 circumstances of subdivision (ii) of subparagraph  
18 (a) of paragraph (6) of subsection (b) of this  
19 Section, the defendant acted with the intent to kill  
20 the murdered individual or with the knowledge that  
21 his acts created a strong probability of death or  
22 great bodily harm to the murdered individual or  
23 another; and

24 (c) the other felony was one of the following:  
25 armed robbery, armed violence, robbery, predatory  
26 criminal sexual assault of a child, aggravated  
27 criminal sexual assault, aggravated kidnapping,  
28 aggravated vehicular hijacking, forcible detention,  
29 arson, aggravated arson, aggravated stalking,  
30 burglary, residential burglary, home invasion,  
31 calculated criminal drug conspiracy as defined in  
32 Section 405 of the Illinois Controlled Substances  
33 Act, streetgang criminal drug conspiracy as defined  
34 in Section 405.2 of the Illinois Controlled

1           Substances Act, or the attempt to commit any of the  
2           felonies listed in this subsection (c); or

3           (7) the murdered individual was under 12 years of  
4           age and the death resulted from exceptionally brutal or  
5           heinous behavior indicative of wanton cruelty; or

6           (8) the defendant committed the murder with intent  
7           to prevent the murdered individual from testifying in any  
8           criminal prosecution or giving material assistance to the  
9           State in any investigation or prosecution, either against  
10          the defendant or another; or the defendant committed the  
11          murder because the murdered individual was a witness in  
12          any prosecution or gave material assistance to the State  
13          in any investigation or prosecution, either against the  
14          defendant or another; or

15          (9) the defendant, while committing an offense  
16          punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
17          407 or 407.1 or subsection (b) of Section 404 of the  
18          Illinois Controlled Substances Act, or while engaged in a  
19          conspiracy or solicitation to commit such offense,  
20          intentionally killed an individual or counseled,  
21          commanded, induced, procured or caused the intentional  
22          killing of the murdered individual; or

23          (10) the defendant was incarcerated in an  
24          institution or facility of the Department of Corrections  
25          at the time of the murder, and while committing an  
26          offense punishable as a felony under Illinois law, or  
27          while engaged in a conspiracy or solicitation to commit  
28          such offense, intentionally killed an individual or  
29          counseled, commanded, induced, procured or caused the  
30          intentional killing of the murdered individual; or

31          (11) the murder was committed in a cold, calculated  
32          and premeditated manner pursuant to a preconceived plan,  
33          scheme or design to take a human life by unlawful means,  
34          and the conduct of the defendant created a reasonable



1 expectation that the death of a human being would result  
2 therefrom; or

3 (12) the murdered individual was an emergency  
4 medical technician - ambulance, emergency medical  
5 technician - intermediate, emergency medical technician -  
6 paramedic, ambulance driver, or other medical assistance  
7 or first aid personnel, employed by a municipality or  
8 other governmental unit, killed in the course of  
9 performing his official duties, to prevent the  
10 performance of his official duties, or in retaliation for  
11 performing his official duties, and the defendant knew or  
12 should have known that the murdered individual was an  
13 emergency medical technician - ambulance, emergency  
14 medical technician - intermediate, emergency medical  
15 technician - paramedic, ambulance driver, or other  
16 medical assistance or first aid personnel; or

17 (13) the defendant was a principal administrator,  
18 organizer, or leader of a calculated criminal drug  
19 conspiracy consisting of a hierarchical position of  
20 authority superior to that of all other members of the  
21 conspiracy, and the defendant counseled, commanded,  
22 induced, procured, or caused the intentional killing of  
23 the murdered person; or

24 (14) the murder was intentional and involved the  
25 infliction of torture. For the purpose of this Section  
26 torture means the infliction of or subjection to extreme  
27 physical pain, motivated by an intent to increase or  
28 prolong the pain, suffering or agony of the victim; or

29 (15) the murder was committed as a result of the  
30 intentional discharge of a firearm by the defendant from  
31 a motor vehicle and the victim was not present within the  
32 motor vehicle; or

33 (16) the murdered individual was 60 years of age or  
34 older and the death resulted from exceptionally brutal or

1 heinous behavior indicative of wanton cruelty; or

2 (17) the murdered individual was a disabled person  
3 and the defendant knew or should have known that the  
4 murdered individual was disabled. For purposes of this  
5 paragraph (17), "disabled person" means a person who  
6 suffers from a permanent physical or mental impairment  
7 resulting from disease, an injury, a functional disorder,  
8 or a congenital condition that renders the person  
9 incapable of adequately providing for his or her own  
10 health or personal care; or

11 (18) the murder was committed by reason of any  
12 person's activity as a community policing volunteer or to  
13 prevent any person from engaging in activity as a  
14 community policing volunteer; or

15 (19) the murdered individual was subject to an  
16 order of protection and the murder was committed by a  
17 person against whom the same order of protection was  
18 issued under the Illinois Domestic Violence Act of 1986;  
19 or

20 (20) the murdered individual was known by the  
21 defendant to be a teacher or other person employed in any  
22 school and the teacher or other employee is upon the  
23 grounds of a school or grounds adjacent to a school, or  
24 is in any part of a building used for school purposes;  
25 or-

26 (21) the murder was committed by the defendant in  
27 connection with or as a result of the offense of  
28 terrorism as defined in Section 29D-30 of this Code.

29 (c) Consideration of factors in Aggravation and  
30 Mitigation.

31 The court shall consider, or shall instruct the jury to  
32 consider any aggravating and any mitigating factors which are  
33 relevant to the imposition of the death penalty. Aggravating  
34 factors may include but need not be limited to those factors

1 set forth in subsection (b). Mitigating factors may include  
2 but need not be limited to the following:

3 (1) the defendant has no significant history of  
4 prior criminal activity;

5 (2) the murder was committed while the defendant  
6 was under the influence of extreme mental or emotional  
7 disturbance, although not such as to constitute a defense  
8 to prosecution;

9 (3) the murdered individual was a participant in  
10 the defendant's homicidal conduct or consented to the  
11 homicidal act;

12 (4) the defendant acted under the compulsion of  
13 threat or menace of the imminent infliction of death or  
14 great bodily harm;

15 (5) the defendant was not personally present during  
16 commission of the act or acts causing death.

17 (d) Separate sentencing hearing.

18 Where requested by the State, the court shall conduct a  
19 separate sentencing proceeding to determine the existence of  
20 factors set forth in subsection (b) and to consider any  
21 aggravating or mitigating factors as indicated in subsection  
22 (c). The proceeding shall be conducted:

23 (1) before the jury that determined the defendant's  
24 guilt; or

25 (2) before a jury impanelled for the purpose of the  
26 proceeding if:

27 A. the defendant was convicted upon a plea of  
28 guilty; or

29 B. the defendant was convicted after a trial  
30 before the court sitting without a jury; or

31 C. the court for good cause shown discharges  
32 the jury that determined the defendant's guilt; or

33 (3) before the court alone if the defendant waives  
34 a jury for the separate proceeding.

1 (e) Evidence and Argument.

2 During the proceeding any information relevant to any of  
3 the factors set forth in subsection (b) may be presented by  
4 either the State or the defendant under the rules governing  
5 the admission of evidence at criminal trials. Any  
6 information relevant to any additional aggravating factors or  
7 any mitigating factors indicated in subsection (c) may be  
8 presented by the State or defendant regardless of its  
9 admissibility under the rules governing the admission of  
10 evidence at criminal trials. The State and the defendant  
11 shall be given fair opportunity to rebut any information  
12 received at the hearing.

13 (f) Proof.

14 The burden of proof of establishing the existence of any  
15 of the factors set forth in subsection (b) is on the State  
16 and shall not be satisfied unless established beyond a  
17 reasonable doubt.

18 (g) Procedure - Jury.

19 If at the separate sentencing proceeding the jury finds  
20 that none of the factors set forth in subsection (b) exists,  
21 the court shall sentence the defendant to a term of  
22 imprisonment under Chapter V of the Unified Code of  
23 Corrections. If there is a unanimous finding by the jury  
24 that one or more of the factors set forth in subsection (b)  
25 exist, the jury shall consider aggravating and mitigating  
26 factors as instructed by the court and shall determine  
27 whether the sentence of death shall be imposed. If the jury  
28 determines unanimously that there are no mitigating factors  
29 sufficient to preclude the imposition of the death sentence,  
30 the court shall sentence the defendant to death.

31 Unless the jury unanimously finds that there are no  
32 mitigating factors sufficient to preclude the imposition of  
33 the death sentence the court shall sentence the defendant to  
34 a term of imprisonment under Chapter V of the Unified Code of

1 Corrections.

2 (h) Procedure - No Jury.

3 In a proceeding before the court alone, if the court  
4 finds that none of the factors found in subsection (b)  
5 exists, the court shall sentence the defendant to a term of  
6 imprisonment under Chapter V of the Unified Code of  
7 Corrections.

8 If the Court determines that one or more of the factors  
9 set forth in subsection (b) exists, the Court shall consider  
10 any aggravating and mitigating factors as indicated in  
11 subsection (c). If the Court determines that there are no  
12 mitigating factors sufficient to preclude the imposition of  
13 the death sentence, the Court shall sentence the defendant to  
14 death.

15 Unless the court finds that there are no mitigating  
16 factors sufficient to preclude the imposition of the sentence  
17 of death, the court shall sentence the defendant to a term of  
18 imprisonment under Chapter V of the Unified Code of  
19 Corrections.

20 (i) Appellate Procedure.

21 The conviction and sentence of death shall be subject to  
22 automatic review by the Supreme Court. Such review shall be  
23 in accordance with rules promulgated by the Supreme Court.

24 (j) Disposition of reversed death sentence.

25 In the event that the death penalty in this Act is held  
26 to be unconstitutional by the Supreme Court of the United  
27 States or of the State of Illinois, any person convicted of  
28 first degree murder shall be sentenced by the court to a term  
29 of imprisonment under Chapter V of the Unified Code of  
30 Corrections.

31 In the event that any death sentence pursuant to the  
32 sentencing provisions of this Section is declared  
33 unconstitutional by the Supreme Court of the United States or  
34 of the State of Illinois, the court having jurisdiction over

1 a person previously sentenced to death shall cause the  
2 defendant to be brought before the court, and the court shall  
3 sentence the defendant to a term of imprisonment under  
4 Chapter V of the Unified Code of Corrections.

5 (Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99;  
6 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff.  
7 1-1-00.)

8 (720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

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

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

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

19 (c) Any broadcast by radio, television or otherwise  
20 whether it be a broadcast or recorded for the purpose of  
21 later broadcasts of any function where the public is in  
22 attendance and the conversations are overheard incidental to  
23 the main purpose for which such broadcasts are then being  
24 made;

25 (d) Recording or listening with the aid of any device to  
26 any emergency communication made in the normal course of  
27 operations by any federal, state or local law enforcement  
28 agency or institutions dealing in emergency services,  
29 including, but not limited to, hospitals, clinics, ambulance  
30 services, fire fighting agencies, any public utility,  
31 emergency repair facility, civilian defense establishment or  
32 military installation;

33 (e) Recording the proceedings of any meeting required to

1 be open by the Open Meetings Act, as amended;

2 (f) Recording or listening with the aid of any device to  
3 incoming telephone calls of phone lines publicly listed or  
4 advertised as consumer "hotlines" by manufacturers or  
5 retailers of food and drug products. Such recordings must be  
6 destroyed, erased or turned over to local law enforcement  
7 authorities within 24 hours from the time of such recording  
8 and shall not be otherwise disseminated. Failure on the part  
9 of the individual or business operating any such recording or  
10 listening device to comply with the requirements of this  
11 subsection shall eliminate any civil or criminal immunity  
12 conferred upon that individual or business by the operation  
13 of this Section;

14 (g) With prior notification to the State's Attorney of  
15 the county in which it is to occur, recording or listening  
16 with the aid of any device to any conversation where a law  
17 enforcement officer, or any person acting at the direction of  
18 law enforcement, is a party to the conversation and has  
19 consented to it being intercepted or recorded under  
20 circumstances where the use of the device is necessary for  
21 the protection of the law enforcement officer or any person  
22 acting at the direction of law enforcement, in the course of  
23 an investigation of a forcible felony, a felony violation of  
24 the Illinois Controlled Substances Act, a felony violation of  
25 the Cannabis Control Act, or any "streetgang related" or  
26 "gang-related" felony as those terms are defined in the  
27 Illinois Streetgang Terrorism Omnibus Prevention Act. Any  
28 recording or evidence derived as the result of this exemption  
29 shall be inadmissible in any proceeding, criminal, civil or  
30 administrative, except (i) where a party to the conversation  
31 suffers great bodily injury or is killed during such  
32 conversation, or (ii) when used as direct impeachment of a  
33 witness concerning matters contained in the interception or  
34 recording. The Director of the Department of State Police

1 shall issue regulations as are necessary concerning the use  
2 of devices, retention of tape recordings, and reports  
3 regarding their use;

4 (g-5) With prior notification of the State's Attorney of  
5 the county in which it is to occur, recording or listening  
6 with the aid of any device to any conversation where a law  
7 enforcement officer, or any person acting at the direction of  
8 law enforcement, is a party of the conversation and has  
9 consented to it being intercepted or recorded in the course  
10 of an investigation of any offense defined in Article 29D of  
11 this Code. The Director of State Police shall issue rules as  
12 are necessary concerning the use of devices, retention of  
13 tape recordings, and reports regarding their use.

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

22 (h) Recordings made simultaneously with a video  
23 recording of an oral conversation between a peace officer,  
24 who has identified his or her office, and a person stopped  
25 for an investigation of an offense under the Illinois Vehicle  
26 Code;

27 (i) Recording of a conversation made by or at the  
28 request of a person, not a law enforcement officer or agent  
29 of a law enforcement officer, who is a party to the  
30 conversation, under reasonable suspicion that another party  
31 to the conversation is committing, is about to commit, or has  
32 committed a criminal offense against the person or a member  
33 of his or her immediate household, and there is reason to  
34 believe that evidence of the criminal offense may be obtained



1 by the recording; and

2 (j) The use of a telephone monitoring device by either  
3 (1) a corporation or other business entity engaged in  
4 marketing or opinion research or (2) a corporation or other  
5 business entity engaged in telephone solicitation, as defined  
6 in this subsection, to record or listen to oral telephone  
7 solicitation conversations or marketing or opinion research  
8 conversations by an employee of the corporation or other  
9 business entity when:

10 (i) the monitoring is used for the purpose of  
11 service quality control of marketing or opinion research  
12 or telephone solicitation, the education or training of  
13 employees or contractors engaged in marketing or opinion  
14 research or telephone solicitation, or internal research  
15 related to marketing or opinion research or telephone  
16 solicitation; and

17 (ii) the monitoring is used with the consent of at  
18 least one person who is an active party to the marketing  
19 or opinion research conversation or telephone  
20 solicitation conversation being monitored.

21 No communication or conversation or any part, portion, or  
22 aspect of the communication or conversation made, acquired,  
23 or obtained, directly or indirectly, under this exemption  
24 (j), may be, directly or indirectly, furnished to any law  
25 enforcement officer, agency, or official for any purpose or  
26 used in any inquiry or investigation, or used, directly or  
27 indirectly, in any administrative, judicial, or other  
28 proceeding, or divulged to any third party.

29 When recording or listening authorized by this subsection  
30 (j) on telephone lines used for marketing or opinion research  
31 or telephone solicitation purposes results in recording or  
32 listening to a conversation that does not relate to marketing  
33 or opinion research or telephone solicitation; the person  
34 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  
3 or 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)  
7 shall provide current and prospective employees with notice  
8 that the monitoring or recordings may occur during the course  
9 of their employment. The notice shall include prominent  
10 signage notification within the workplace.

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

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

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

26 For the purposes of this subsection (j), "marketing or  
27 opinion research" means a marketing or opinion research  
28 interview conducted by a live telephone interviewer engaged  
29 by a corporation or other business entity whose principal  
30 business is the design, conduct, and analysis of polls and  
31 surveys measuring the opinions, attitudes, and responses of  
32 respondents toward products and services, or social or  
33 political issues, or both.

34 (Source: P.A. 91-357, eff. 7-29-99.)

1 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

2 Sec. 29B-1. (a) A person commits the offense of money  
3 laundering:

4 (1) when he knowingly engages or attempts to engage  
5 in a financial transaction in criminally derived property  
6 with either the intent to promote the carrying on of the  
7 unlawful activity from which the criminally derived  
8 property was obtained or where he knows or reasonably  
9 should know that the financial transaction is designed in  
10 whole or in part to conceal or disguise the nature, the  
11 location, the source, the ownership or the control of the  
12 criminally derived property; or-

13 (2) when, with the intent to:

14 (A) promote the carrying on of a specified  
15 criminal activity as defined in this Article; or

16 (B) conceal or disguise the nature, location,  
17 source, ownership, or control of property believed  
18 to be the proceeds of a specified criminal activity,  
19 he or she conducts or attempts to conduct a financial  
20 transaction involving property represented to be the  
21 proceeds of specified criminal activity or property used  
22 to conduct or facilitate specified criminal activity.

23 (b) As used in this Section:

24 (1) "Financial transaction" means a purchase, sale,  
25 loan, pledge, gift, transfer, delivery or other  
26 disposition utilizing criminally derived property, and  
27 with respect to financial institutions, includes a  
28 deposit, withdrawal, transfer between accounts, exchange  
29 of currency, loan, extension of credit, purchase or sale  
30 of any stock, bond, certificate of deposit or other  
31 monetary instrument or any other payment, transfer or  
32 delivery by, through, or to a financial institution. For  
33 purposes of clause (a)(2) of this Section, the term  
34 "financial transaction" also means a transaction which

1 without regard to whether the funds, monetary  
2 instruments, or real or personal property involved in the  
3 transaction are criminally derived, any transaction which  
4 in any way or degree: (1) involves the movement of funds  
5 by wire or any other means; (2) involves one or more  
6 monetary instruments; or (3) the transfer of title to any  
7 real or personal property. The receipt by an attorney of  
8 bona fide fees for the purpose of legal representation is  
9 not a financial transaction for purposes of this Section.

10 (2) "Financial institution" means any bank; saving  
11 and loan association; trust company; agency or branch of  
12 a foreign bank in the United States; currency exchange;  
13 credit union, mortgage banking institution; pawnbroker;  
14 loan or finance company; operator of a credit card  
15 system; issuer, redeemer or cashier of travelers checks,  
16 checks or money orders; dealer in precious metals, stones  
17 or jewels; broker or dealer in securities or commodities;  
18 investment banker; or investment company.

19 (3) "Monetary instrument" means United States coins  
20 and currency; coins and currency of a foreign country;  
21 travelers checks; personal checks, bank checks, and money  
22 orders; investment securities; bearer negotiable  
23 instruments; bearer investment securities; or bearer  
24 securities and certificates of stock in such form that  
25 title thereto passes upon delivery.

26 (4) "Criminally derived property" means any  
27 property constituting or derived from proceeds obtained,  
28 directly or indirectly, pursuant to a violation of the  
29 Criminal Code of 1961, the Illinois Controlled Substances  
30 Act or the Cannabis Control Act.

31 (5) "Represented" means any representation made by  
32 a law enforcement officer or by any other person.

33 (6) "Conduct" or "conducts" includes, in addition  
34 to its ordinary meaning, initiating, concluding, or

1 participating in initiating or concluding a transaction.

2 (7) "Specified criminal activity" means any  
3 violation of Section 20.5-5 and any violation of Article  
4 29D of this Code.

5 (c) Sentence.

6 (1) Laundering of criminally derived property of a  
7 value not exceeding \$10,000 is a Class 3 felony;

8 (2) Laundering of criminally derived property of a  
9 value exceeding \$10,000 but not exceeding \$100,000 is a  
10 Class 2 felony;

11 (3) Laundering of criminally derived property of a  
12 value exceeding \$100,000 is a Class 1 felony;

13 (4) Money laundering in violation of subsection  
14 (a)(2) of this Section is a Class X felony.

15 (Source: P.A. 88-258.)

16 (720 ILCS 5/Article 29D heading new)

17 ARTICLE 29D. TERRORISM

18 (720 ILCS 5/29D-5 new)

19 Sec. 29D-5. Legislative findings. The devastating  
20 consequences of the barbaric attacks on the World Trade  
21 Center and the Pentagon on September 11, 2001 underscore the  
22 compelling need for legislation that is specifically designed  
23 to combat the evils of terrorism. Terrorism is inconsistent  
24 with civilized society and cannot be tolerated.

25 A comprehensive State law is urgently needed to  
26 complement federal laws in the fight against terrorism and to  
27 better protect all citizens against terrorist acts.  
28 Accordingly, the legislature finds that our laws must be  
29 strengthened to ensure that terrorists, as well as those who  
30 solicit or provide financial and other support to terrorists,  
31 are prosecuted and punished in State courts with appropriate  
32 severity. The legislature further finds that due to the grave

1 nature and global reach of terrorism that a comprehensive law  
2 encompassing State criminal statutes and strong civil  
3 remedies is needed.

4 (720 ILCS 5/29D-10 new)

5 Sec. 29D-10. Definitions. As used in this Article, where  
6 not otherwise distinctly expressed or manifestly incompatible  
7 with the intent of this Article:

8 "Computer network" means a set of related, remotely  
9 connected devices and any communications facilities including  
10 more than one computer with the capability to transmit data  
11 among them through communication facilities.

12 "Computer" means a device that accepts, processes,  
13 stores, retrieves, or outputs data, and includes, but is not  
14 limited to, auxiliary storage and telecommunications devices.

15 "Computer program" means a series of coded instruction or  
16 statements in a form acceptable to a computer which causes  
17 the computer to process data and supply the results of data  
18 processing.

19 "Data" means representations of information, knowledge,  
20 facts, concepts or instructions, including program  
21 documentation, that are prepared in a formalized manner and  
22 are stored or processed in or transmitted by a computer. Data  
23 may be in any form, including but not limited to magnetic or  
24 optical storage media, punch cards, or data stored internally  
25 in the memory of a computer.

26 "Biological products used in agriculture" includes, but  
27 is not limited to, seeds, plants, and DNA of plants or  
28 animals altered for use in crop or livestock breeding or  
29 production or which are sold, intended, designed, or produced  
30 for use in crop production or livestock breeding or  
31 production.

32 "Agricultural products" means crops and livestock.

33 "Agricultural production" means the breeding and growing

1 of livestock and crops.

2 "Livestock" means animals bred or raised for human  
3 consumption.

4 "Crops" means plants raised for: (1) human consumption,  
5 (2) fruits that are intended for human consumption, (3)  
6 consumption by livestock, and (4) fruits that are intended  
7 for consumption by livestock.

8 "Communications systems" means any works, property, or  
9 material of any radio, telegraph, telephone, microwave, or  
10 cable line, station, or system.

11 "Terrorist act" or "act of terrorism" means: (1) any act  
12 that causes or creates a risk of death or great bodily harm  
13 to one or more persons; (2) any act that disables or destroys  
14 the usefulness or operation of any communications system; (3)  
15 any act or any series of 2 or more acts committed in  
16 furtherance of a single intention, scheme, or design that  
17 disables or destroys the usefulness or operation of a  
18 computer network, computers, computer programs, or data used  
19 by any industry, by any class of business, or by 5 or more  
20 businesses or by the federal government, State government,  
21 any unit of local government, a public utility, a  
22 manufacturer of pharmaceuticals, a national defense  
23 contractor, or a manufacturer of chemical or biological  
24 products used in or in connection with agricultural  
25 production; (4) any act that disables or causes substantial  
26 damage to or destruction of any structure or facility used in  
27 or used in connection with ground, air, or water  
28 transportation; the production or distribution of  
29 electricity, gas, oil, or other fuel; the treatment of sewage  
30 or the treatment or distribution of water; or controlling the  
31 flow of any body of water; (5) any act that causes  
32 substantial damage to or destruction of livestock or to crops  
33 or a series of 2 or more acts committed in furtherance of a  
34 single intention, scheme, or design which, in the aggregate,

1 causes substantial damage to or destruction of livestock or  
2 crops; (6) any act that causes substantial damage to or  
3 destruction of any hospital or any building or facility used  
4 by the federal government, State government, any unit of  
5 local government or by a national defense contractor or by a  
6 public utility, a manufacturer of pharmaceuticals, a  
7 manufacturer of chemical or biological products used in or in  
8 connection with agricultural production or the storage or  
9 processing of agricultural products or the preparation of  
10 agricultural products for food or food products intended for  
11 resale or for feed for livestock; or (7) any act that causes  
12 substantial damage to any building containing 5 or more  
13 businesses of any type or to any building in which 10 or more  
14 people reside.

15 "Terrorist" and "terrorist organization" means any person  
16 who engages or is about to engage in a terrorist act with the  
17 intent to intimidate or coerce a significant portion of a  
18 civilian population.

19 "Material support or resources" means currency or other  
20 financial securities, financial services, lodging, training,  
21 safe houses, false documentation or identification,  
22 communications equipment, facilities, weapons, lethal  
23 substances, explosives, personnel, transportation, any other  
24 kind of physical assets or intangible property, and expert  
25 services or expert assistance.

26 "Person" has the meaning given in Section 2-15 of this  
27 Code and, in addition to that meaning, includes, without  
28 limitation, any charitable organization, whether incorporated  
29 or unincorporated, any professional fund raiser, professional  
30 solicitor, limited liability company, association, joint  
31 stock company, association, trust, trustee, or any group of  
32 people formally or informally affiliated or associated for a  
33 common purpose, and any officer, director, partner, member,  
34 or agent of any person.



1       "Render criminal assistance" means to do any of the  
2 following with the intent to prevent, hinder, or delay the  
3 discovery or apprehension of, or the lodging of a criminal  
4 charge against, a person who he or she knows or believes has  
5 committed an offense under this Article or is being sought by  
6 law enforcement officials for the commission of an offense  
7 under this Article, or with the intent to assist a person in  
8 profiting or benefiting from the commission of an offense  
9 under this Article:

10           (1) harbor or conceal the person;

11           (2) warn the person of impending discovery or  
12 apprehension;

13           (3) provide the person with money, transportation,  
14 a weapon, a disguise, false identification documents, or  
15 any other means of avoiding discovery or apprehension;

16           (4) prevent or obstruct, by means of force,  
17 intimidation, or deception, anyone from performing an act  
18 that might aid in the discovery or apprehension of the  
19 person or in the lodging of a criminal charge against the  
20 person;

21           (5) suppress, by any act of concealment,  
22 alteration, or destruction, any physical evidence that  
23 might aid in the discovery or apprehension of the person  
24 or in the lodging of a criminal charge against the  
25 person;

26           (6) aid the person to protect or expeditiously  
27 profit from an advantage derived from the crime; or

28           (7) provide expert services or expert assistance to  
29 the person. Providing expert services or expert  
30 assistance shall not be construed to apply to: (1) a  
31 licensed attorney who discusses with a client the legal  
32 consequences of a proposed course of conduct or advises a  
33 client of legal or constitutional rights and (2) a  
34 licensed medical doctor who provides emergency medical

1 treatment to a person whom he or she believes has  
2 committed an offense under this Article if, as soon as  
3 reasonably practicable either before or after providing  
4 such treatment, he or she notifies a law enforcement  
5 agency.

6 (720 ILCS 5/29D-15 new)

7 Sec. 29D-15. Soliciting material support for terrorism;  
8 providing material support for a terrorist act.

9 (a) A person is guilty of soliciting material support  
10 for terrorism if he or she knowingly raises, solicits, or  
11 collects material support or resources knowing that the  
12 material support or resources will be used, in whole or in  
13 part, to plan, prepare, carry out, or avoid apprehension for  
14 committing terrorism as defined in Section 29D-30 or causing  
15 a catastrophe as defined in Section 20.5-5 of this Code, or  
16 who knows that the material support or resources so raised,  
17 solicited, or collected will be used by an organization  
18 designated under 8 U.S.C. 1189, as amended. It is not an  
19 element of the offense that the defendant actually knows that  
20 an organization has been designated under 8 U.S.C. 1189, as  
21 amended.

22 (b) A person is guilty of providing material support for  
23 terrorism if he or she knowingly provides material support or  
24 resources to a person knowing that the person will use that  
25 support or those resources in whole or in part to plan,  
26 prepare, carry out, facilitate, or to avoid apprehension for  
27 committing terrorism as defined in Section 29D-30 or to cause  
28 a catastrophe as defined in Section 20.5-5 of this Code.

29 (c) Sentence. Soliciting material support for terrorism  
30 is a Class X felony for which the sentence shall be a term of  
31 imprisonment of no less than 9 years and no more than 40  
32 years. Providing material support for a terrorist act is a  
33 Class X felony for which the sentence shall be a term of

1 imprisonment of no less than 9 years and no more than 40  
2 years.

3 (720 ILCS 5/29D-20 new)

4 Sec. 29D-20. Making a terrorist threat.

5 (a) A person is guilty of making a terrorist threat  
6 when, with the intent to intimidate or coerce a significant  
7 portion of a civilian population, he or she in any manner  
8 knowingly threatens to commit or threatens to cause the  
9 commission of a terrorist act and thereby causes a reasonable  
10 expectation or fear of the imminent commission of a terrorist  
11 act or of another terrorist act.

12 (b) It is not a defense to a prosecution under this  
13 Section that at the time the defendant made the terrorist  
14 threat, unknown to the defendant, it was impossible to carry  
15 out the threat, nor is it a defense that the threat was not  
16 made to a person who was a subject or intended victim of the  
17 threatened act.

18 (c) Sentence. Making a terrorist threat is a Class X  
19 felony.

20 (720 ILCS 5/29D-25 new)

21 Sec. 29D-25. Falsely making a terrorist threat.

22 (a) A person is guilty of falsely making a terrorist  
23 threat when in any manner he or she knowingly makes a threat  
24 to commit or cause to be committed a terrorist act or  
25 otherwise creates the impression or belief that a terrorist  
26 act is about to be or has been committed, or in any manner  
27 knowingly makes a threat to commit or cause to be committed a  
28 catastrophe as defined in Section 20.5-5 of this Code which  
29 he or she knows is false.

30 (b) Sentence. Falsely making a terrorist threat is a  
31 Class 1 felony.

1 (720 ILCS 5/29D-30 new)

2 Sec. 29D-30. Terrorism.

3 (a) A person is guilty of terrorism when, with the  
4 intent to intimidate or coerce a significant portion of a  
5 civilian population:

6 (1) he or she knowingly commits an act of terrorism  
7 within this State; or

8 (2) he or she, while outside this State, knowingly  
9 commits an act of terrorism that takes effect within this  
10 State or produces substantial detrimental effects within  
11 this State.

12 (b) Sentence. Terrorism is a Class X felony. If no  
13 deaths are caused by the terrorist act, the sentence shall be  
14 a term of 20 years to natural life imprisonment; however, if  
15 the terrorist act caused the death of one or more persons, a  
16 mandatory term of natural life imprisonment shall be the  
17 sentence.

18 (720 ILCS 5/29D-35 new)

19 Sec. 29D-35. Hindering prosecution of terrorism.

20 (a) A person is guilty of hindering prosecution of  
21 terrorism when he or she renders criminal assistance to a  
22 person who has committed terrorism as defined in Section  
23 29D-30 or caused a catastrophe, as defined in Section 20.5-5  
24 of this Code when he or she knows that the person to whom he  
25 or she rendered criminal assistance engaged in an act of  
26 terrorism or caused a catastrophe.

27 (b) Hindering prosecution of terrorism is a Class X  
28 felony, the sentence for which shall be a term of 20 years to  
29 natural life imprisonment if no death was caused by the act  
30 of terrorism committed by the person to whom the defendant  
31 rendered criminal assistance and a mandatory term of natural  
32 life imprisonment if death was caused by the act of terrorism  
33 committed by the person to whom the defendant rendered

1 criminal assistance.

2 (720 ILCS 5/29D-40 new)

3 Sec. 29D-40. Restitution. In addition to any other  
4 penalty that may be imposed, a court shall sentence any  
5 person convicted of any violation of this Article to pay all  
6 expenses incurred by the federal government, State  
7 government, or any unit of local government in responding to  
8 any violation and cleaning up following any violation.

9 (720 ILCS 5/29D-45 new)

10 Sec. 29D-45. Limitations. A prosecution for any offense  
11 in this Article may be commenced at any time.

12 (720 ILCS 5/29D-55 new)

13 Sec. 29D-55. Asset freeze orders. Whenever it appears  
14 that there is probable cause to believe that any person is  
15 using, is about to use, or is intending to use property in  
16 any way that constitutes or would constitute a violation of  
17 this Article, the Attorney General or any State's Attorney  
18 may make an ex parte application to the circuit court to  
19 freeze all the assets of that person and, upon a showing of  
20 probable cause in the ex parte hearing, the circuit court  
21 shall issue an order freezing all assets of that person for a  
22 period of 10 days. A copy of the freeze order shall be served  
23 upon the person whose assets have been frozen and that person  
24 may, at any time within 30 days of service, file a motion to  
25 release his or her assets. In any proceeding to release  
26 assets, the burden of proof shall be by a preponderance of  
27 evidence and shall be on the person who is seeking release of  
28 his or her assets to show that he or she was not using, about  
29 to use, or intending to use any property in any way that  
30 constitutes or would constitute a violation of this Article.  
31 If the court finds that any property was being used, about to

1 be used, or intended to be used in violation of or in any way  
2 that would constitute a violation of this Article, the court  
3 shall order the property forfeited. If the person fails to  
4 file a motion to release assets within 30 days of issuance of  
5 a freeze order, the property shall be presumed to have been  
6 used or about to be used in violation of this Article and  
7 shall, upon application of the Attorney General or a State's  
8 Attorney to the court issuing the freeze order, be ordered  
9 forfeited. All property forfeited under this Section shall be  
10 divided equally between the county in which the action is  
11 brought and the State of Illinois.

12 (720 ILCS 5/29D-60 new)

13 Sec. 29D-60. Injunctive relief. Whenever it appears to  
14 the Attorney General or any State's Attorney that any person  
15 is engaged in, or is about to engage in, any act that  
16 constitutes or would constitute a violation of this Article,  
17 the Attorney General or any State's Attorney may initiate a  
18 civil action in the circuit court to enjoin the violation.

19 (720 ILCS 5/29D-65 new)

20 Sec. 29D-65. Seizure and forfeiture.

21 (a) Seizure and forfeiture of property used in  
22 connection with a violation of this Article.

23 (1) Any money or property used, about to be used,  
24 or intended to be used in violation of or in connection  
25 with any violation of this Article, together with any  
26 other property integrally related to any acts in  
27 violation of this Article, is subject to seizure and  
28 confiscation by any peace officer of this State. Seizure  
29 and forfeiture under this Section may be pursued in  
30 addition to or in lieu of proceeding under subsection (b)  
31 of this Section. Any property so seized shall be subject  
32 to forfeiture under the following procedure.

1           (2) If, within 60 days after any seizure under  
2 subparagraph (1) of this Section, a person having any  
3 property interest in the seized property is charged with  
4 an offense, the court which renders judgment upon the  
5 charge shall, within 30 days after the judgment, conduct  
6 a forfeiture hearing to determine whether the property  
7 was used, about to be used, or intended to be used in  
8 violation of this Article or in connection with any  
9 violation of this Article, or was integrally related to  
10 any violation or intended violation of this Article. The  
11 hearing shall be commenced by a written petition by the  
12 State, including material allegations of fact, the name  
13 and address of every person determined by the State to  
14 have any property interest in the seized property, a  
15 representation that written notice of the date, time, and  
16 place of the hearing has been mailed to every such person  
17 by certified mail at least 10 days before the date, and a  
18 request for forfeiture. Every such person may appear as a  
19 party and present evidence at the hearing. The quantum of  
20 proof required shall be preponderance of the evidence,  
21 and the burden of proof shall be on the State. If the  
22 court determines that the seized property was used, about  
23 to be used, or intended to be used in violation of this  
24 Article or in connection with any violation of this  
25 Article, or was integrally related to any violation or  
26 intended violation of this Article, an order of  
27 forfeiture and disposition of the seized money and  
28 property shall be entered. All property forfeited may be  
29 liquidated and the resultant money together with any  
30 money forfeited shall be allocated among the  
31 participating law enforcement agencies in such  
32 proportions as may be determined to be equitable by the  
33 court entering the forfeiture order, any such property so  
34 forfeited shall be received by the State's Attorney or

1 Attorney General and upon liquidation shall be allocated  
2 among the participating law enforcement agencies in such  
3 proportions as may be determined equitable by the court  
4 entering the forfeiture order.

5 (3) If a seizure under subparagraph (1) of this  
6 subsection (a) is not followed by a charge under this  
7 Article, or if the prosecution of the charge is  
8 permanently terminated or indefinitely discontinued  
9 without any judgment of conviction or a judgment of  
10 acquittal is entered, the State's Attorney or Attorney  
11 General shall commence an in rem proceeding for the  
12 forfeiture of any seized money or other things of value,  
13 or both, in the circuit court and any person having any  
14 property interest in the money or property may commence  
15 separate civil proceedings in the manner provided by law.  
16 Any property so forfeited shall be allocated among the  
17 participating law enforcement agencies in such  
18 proportions as may be determined to be equitable by the  
19 court entering the forfeiture order.

20 (b) Forfeiture of property acquired in connection with a  
21 violation of this Article.

22 (1) Any person who commits any offense under this  
23 Article shall forfeit, according to the provisions of  
24 this Section, any moneys, profits, or proceeds, and any  
25 interest or property in which the sentencing court  
26 determines he or she has acquired or maintained, directly  
27 or indirectly, in whole or in part, as a result of, or  
28 used, was about to be used, or was intended to be used in  
29 connection with the offense. The person shall also  
30 forfeit any interest in, security, claim against, or  
31 contractual right of any kind which affords the person a  
32 source of influence over any enterprise which he or she  
33 has established, operated, controlled, conducted, or  
34 participated in conducting, where his or her relationship



1 to or connection with any such thing or activity directly  
2 or indirectly, in whole or in part, is traceable to any  
3 item or benefit which he or she has obtained or acquired  
4 through an offense under this Article or which he or she  
5 used, about to use, or intended to use in connection with  
6 any offense under this Article. Forfeiture under this  
7 Section may be pursued in addition to or in lieu of  
8 proceeding under subsection (a) of this Section.

9 (2) Proceedings instituted under this subsection  
10 shall be subject to and conducted in accordance with the  
11 following procedures:

12 (A) The sentencing court shall, upon petition  
13 by the prosecuting agency, whether it is the  
14 Attorney General or the State's Attorney, at any  
15 time following sentencing, conduct a hearing to  
16 determine whether any property or property interest  
17 is subject to forfeiture under this subsection. At  
18 the forfeiture hearing the People of the State of  
19 Illinois shall have the burden of establishing, by a  
20 preponderance of the evidence, that the property or  
21 property interests are subject to forfeiture.

22 (B) In any action brought by the People of the  
23 State of Illinois under this Section, the court  
24 shall have jurisdiction to enter such restraining  
25 orders, injunctions, or prohibitions, or to take  
26 such other action in connection with any real,  
27 personal, or mixed property, or other interest,  
28 subject to forfeiture, as it shall consider proper.

29 (C) In any action brought by the People of the  
30 State of Illinois under this subsection in which any  
31 restraining order, injunction, or prohibition or any  
32 other action in connection with any property or  
33 interest subject to forfeiture under this subsection  
34 is sought, the circuit court presiding over the

1 trial of the person or persons charged with a  
2 violation under this Article shall first determine  
3 whether there is probable cause to believe that the  
4 person or persons so charged have committed an  
5 offense under this Article and whether the property  
6 or interest is subject to forfeiture under this  
7 subsection. In order to make this determination,  
8 prior to entering any such order, the court shall  
9 conduct a hearing without a jury in which the People  
10 shall establish: (i) probable cause that the person  
11 or persons so charged have committed an offense  
12 under this Article; and (ii) probable cause that any  
13 property or interest may be subject to forfeiture  
14 under this subsection. The hearing may be conducted  
15 simultaneously with a preliminary hearing if the  
16 prosecution is commenced by information, or by  
17 motion of the People at any stage in the  
18 proceedings. The court may enter a finding of  
19 probable cause at a preliminary hearing following  
20 the filing of an information charging a violation of  
21 this Article or the return of an indictment by a  
22 grand jury charging an offense under this Article as  
23 sufficient probable cause for purposes of this  
24 subsection. Upon such a finding, the circuit court  
25 shall enter such restraining order, injunction, or  
26 prohibition or shall take such other action in  
27 connection with any such property or other interest  
28 subject to forfeiture under this subsection as is  
29 necessary to ensure that the property is not removed  
30 from the jurisdiction of the court, concealed,  
31 destroyed, or otherwise disposed of by the owner or  
32 holder of that property or interest prior to a  
33 forfeiture hearing under this subsection. The  
34 Attorney General or State's Attorney shall file a

1 certified copy of the restraining order, injunction,  
2 or other prohibition with the recorder of deeds or  
3 registrar of titles of each county where any such  
4 property of the defendant may be located. No such  
5 injunction, restraining order, or other prohibition  
6 shall affect the rights of any bona fide purchaser,  
7 mortgagee, judgment creditor, or other lien holder  
8 arising prior to the date of such filing. The court  
9 may, at any time, upon verified petition by the  
10 defendant, conduct a hearing to release all or  
11 portions of any such property or interest which the  
12 court previously determined to be subject to  
13 forfeiture or subject to any restraining order,  
14 injunction, prohibition, or other action. The court  
15 may release the property to the defendant for good  
16 cause shown and within the sound discretion of the  
17 court.

18 (D) Upon a conviction of a person under this  
19 Article, the court shall authorize the Attorney  
20 General or State's Attorney to seize and sell all  
21 property or other interest declared forfeited under  
22 this Article, unless the property is required by law  
23 to be destroyed or is harmful to the public. The  
24 court may order the Attorney General or State's  
25 Attorney to segregate funds from the proceeds of the  
26 sale sufficient: (1) to satisfy any order of  
27 restitution, as the court may deem appropriate; (2)  
28 to satisfy any legal right, title, or interest which  
29 the court deems superior to any right, title, or  
30 interest of the defendant at the time of the  
31 commission of the acts which gave rise to forfeiture  
32 under this subsection; or (3) to satisfy any  
33 bona-fide purchaser for value of the right, title,  
34 or interest in the property who was without

1 reasonable notice that the property was subject to  
 2 forfeiture. Following the entry of an order of  
 3 forfeiture, the Attorney General or State's Attorney  
 4 shall publish notice of the order and his or her  
 5 intent to dispose of the property. Within 30 days  
 6 following the publication, any person may petition  
 7 the court to adjudicate the validity of his or her  
 8 alleged interest in the property. After the  
 9 deduction of all requisite expenses of  
 10 administration and sale, the Attorney General or  
 11 State's Attorney shall distribute the proceeds of  
 12 the sale, along with any moneys forfeited or seized,  
 13 among participating law enforcement agencies in such  
 14 equitable portions as the court shall determine.

15 (E) No judge shall release any property or  
 16 money seized under subdivision (A) or (B) for the  
 17 payment of attorney's fees of any person claiming an  
 18 interest in such money or property.

19 (720 ILCS 5/29D-70 new)

20 Sec. 29D-70. Severability. If any clause, sentence,  
 21 Section, provision, or part of this Article or the  
 22 application thereof to any person or circumstance shall be  
 23 adjudged to be unconstitutional, the remainder of this  
 24 Article or its application to persons or circumstances other  
 25 than those to which it is held invalid, shall not be affected  
 26 thereby.

27 Section 20. The Code of Criminal Procedure of 1963 is  
 28 amended by changing Sections 108-4, 108A-6, 108B-1, 108B-2,  
 29 108B-3, 108B-4, 108B-5, 108B-7, 108B-8, 108B-9, 108B-10,  
 30 108B-11, 108B-12, and 108B-14 and adding Section 108B-7.5 as  
 31 follows:

1 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)  
2 Sec. 108-4. Issuance of search warrant.

3 (a) All warrants upon written complaint shall state the  
4 time and date of issuance and be the warrants of the judge  
5 issuing the same and not the warrants of the court in which  
6 he is then sitting and such warrants need not bear the seal  
7 of the court or clerk thereof. The complaint on which the  
8 warrant is issued need not be filed with the clerk of the  
9 court nor with the court if there is no clerk until the  
10 warrant has been executed or has been returned "not  
11 executed".

12 The search warrant upon written complaint may be issued  
13 electronically or electromagnetically by use of a facsimile  
14 transmission machine and any such warrant shall have the same  
15 validity as a written search warrant.

16 (b) Warrant upon oral testimony.

17 (1) General rule. When the offense in connection  
18 with which a search warrant is sought constitutes  
19 terrorism or any related offense as defined in Article  
20 29D of the Criminal Code of 1961, and if the  
21 circumstances make it reasonable to dispense, in whole or  
22 in part, with a written affidavit, a judge may issue a  
23 warrant based upon sworn testimony communicated by  
24 telephone or other appropriate means, including facsimile  
25 transmission.

26 (2) Application. The person who is requesting the  
27 warrant shall prepare a document to be known as a  
28 duplicate original warrant and shall read such duplicate  
29 original warrant, verbatim, to the judge. The judge shall  
30 enter, verbatim, what is so read to the judge on a  
31 document to be known as the original warrant. The judge  
32 may direct that the warrant be modified.

33 (3) Issuance. If the judge is satisfied that the  
34 offense in connection with which the search warrant is

1 sought constitutes terrorism or any related offense as  
2 defined in Article 29D of the Criminal Code of 1961, that  
3 the circumstances are such as to make it reasonable to  
4 dispense with a written affidavit, and that grounds for  
5 the application exist or that there is probable cause to  
6 believe that they exist, the judge shall order the  
7 issuance of a warrant by directing the person requesting  
8 the warrant to sign the judge's name on the duplicate  
9 original warrant. The judge shall immediately sign the  
10 original warrant and enter on the face of the original  
11 warrant the exact time when the warrant was ordered to be  
12 issued. The finding of probable cause for a warrant upon  
13 oral testimony may be based on the same kind of evidence  
14 as is sufficient for a warrant upon affidavit.

15 (4) Recording and certification of testimony. When  
16 a caller informs the judge that the purpose of the call  
17 is to request a warrant, the judge shall immediately  
18 place under oath each person whose testimony forms a  
19 basis of the application and each person applying for  
20 that warrant. If a voice recording device is available,  
21 the judge shall record by means of the device all of the  
22 call after the caller informs the judge that the purpose  
23 of the call is to request a warrant, otherwise a  
24 stenographic or longhand verbatim record shall be made.  
25 If a voice recording device is used or a stenographic  
26 record made, the judge shall have the record transcribed,  
27 shall certify the accuracy of the transcription, and  
28 shall file a copy of the original record and the  
29 transcription with the court. If a longhand verbatim  
30 record is made, the judge shall file a signed copy with  
31 the court.

32 (5) Contents. The contents of a warrant upon oral  
33 testimony shall be the same as the contents of a warrant  
34 upon affidavit.

1           (6) Additional rule for execution. The person who  
2           executes the warrant shall enter the exact time of  
3           execution on the face of the duplicate original warrant.

4           (7) Motion to suppress precluded. Absent a finding  
5           of bad faith, evidence obtained pursuant to a warrant  
6           issued under this subsection (b) is not subject to a  
7           motion to suppress on the ground that the circumstances  
8           were not such as to make it reasonable to dispense with a  
9           written affidavit.

10        (Source: P.A. 87-523.)

11           (725 ILCS 5/108A-6) (from Ch. 38, par. 108A-6)

12           Sec. 108A-6. Emergency Exception to Procedures. (a)  
13        Notwithstanding any other provisions of this Article, any  
14        investigative or law enforcement officer, upon approval of a  
15        State's Attorney, or without it if a reasonable effort has  
16        been made to contact the appropriate State's Attorney, may  
17        use an eavesdropping device in an emergency situation as  
18        defined in this Section. Such use must be in accordance with  
19        the provisions of this Section and may be allowed only where  
20        the officer reasonably believes that an order permitting the  
21        use of the device would issue were there a prior hearing.

22           An emergency situation exists when, without previous  
23        notice to the law enforcement officer sufficient to obtain  
24        prior judicial approval, the conversation to be overheard or  
25        recorded will occur within a short period of time, the use of  
26        the device is necessary for the protection of the law  
27        enforcement officer or it will occur in a situation involving  
28        a clear and present danger of imminent death or great bodily  
29        harm to persons resulting from: (1) a kidnapping or the  
30        holding of a hostage by force or the threat of the imminent  
31        use of force; or (2) the occupation by force or the threat of  
32        the imminent use of force of any premises, place, vehicle,  
33        vessel or aircraft; or (3) any violation of Article 29D.

1 (b) In all such cases, an application for an order  
2 approving the previous or continuing use of an eavesdropping  
3 device must be made within 48 hours of the commencement of  
4 such use. In the absence of such an order, or upon its  
5 denial, any continuing use shall immediately terminate.

6 In order to approve such emergency use, the judge must  
7 make a determination (1) that he would have granted an order  
8 had the information been before the court prior to the use of  
9 the device and (2) that there was an emergency situation as  
10 defined in this Section.

11 (c) In the event that an application for approval under  
12 this Section is denied the contents of the conversations  
13 overheard or recorded shall be treated as having been  
14 obtained in violation of this Article.

15 (Source: P.A. 86-763.)

16 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

17 Sec. 108B-1. Definitions. For the purpose of this  
18 Article:

19 (a) "Aggrieved person" means a person who was a party to  
20 any intercepted private ~~wire-or--oral~~ communication or any  
21 person against whom the intercept was directed.

22 (b) "Chief Judge" means, when referring to a judge  
23 authorized to receive application for, and to enter orders  
24 authorizing, interceptions of private ~~oral~~ communications,  
25 the Chief Judge of the Circuit Court wherein the application  
26 for order of interception is filed, or a Circuit Judge  
27 designated by the Chief Judge to enter these orders. In  
28 circuits other than the Cook County Circuit, "Chief Judge"  
29 also means, when referring to a judge authorized to receive  
30 application for, and to enter orders authorizing,  
31 interceptions of private ~~oral~~ communications, an Associate  
32 Judge authorized by Supreme Court Rule to try felony cases  
33 who is assigned by the Chief Judge to enter these orders.



1 After assignment by the Chief Judge, an Associate Judge shall  
2 have plenary authority to issue orders without additional  
3 authorization for each specific application made to him by  
4 the State's Attorney until the time the Associate Judge's  
5 power is rescinded by the Chief Judge.

6 (c) "Communications common carrier" means any person  
7 engaged as a common carrier for hire in the transmission of  
8 communications by wire or radio, not including radio  
9 broadcasting.

10 (d) "Contents" includes information obtained from a  
11 private oral communication concerning the existence,  
12 substance, purport or meaning of the communication, or the  
13 identity of a party of the communication.

14 (e) "Court of competent jurisdiction" means any circuit  
15 court.

16 (f) "Department" means Illinois Department of State  
17 Police.

18 (g) "Director" means Director of the Illinois Department  
19 of State Police.

20 (g-1) "Electronic communication" means any transfer of  
21 signs, signals, writing, images, sounds, data, or  
22 intelligence of any nature transmitted in whole or part by a  
23 wire, radio, pager, computer, or electromagnetic, photo  
24 electronic, or photo optical system where the sending and  
25 receiving parties intend the electronic communication to be  
26 private and the interception, recording, or transcription of  
27 the electronic communication is accomplished by a device in a  
28 surreptitious manner contrary to the provisions of this  
29 Article. "Electronic communication" does not include:

30 (1) any wire or oral communication; or

31 (2) any communication from a tracking device.

32 (h) "Electronic criminal surveillance device" or  
33 "eavesdropping device" means any device or apparatus, or  
34 computer program including an induction coil, that can be

1 used to intercept private communication human-speech other  
2 than:

3 (1) Any telephone, telegraph or telecommunication  
4 instrument, equipment or facility, or any component of  
5 it, furnished to the subscriber or user by a  
6 communication common carrier in the ordinary course of  
7 its business, or purchased by any person and being used  
8 by the subscriber, user or person in the ordinary course  
9 of his business, or being used by a communications common  
10 carrier in the ordinary course of its business, or by an  
11 investigative or law enforcement officer in the ordinary  
12 course of his duties; or

13 (2) A hearing aid or similar device being used to  
14 correct subnormal hearing to not better than normal.

15 (i) "Electronic criminal surveillance officer" means any  
16 law enforcement officer of the United States or of the State  
17 or political subdivision of it, or of another State, or of a  
18 political subdivision of it, who is certified by the Illinois  
19 Department of State Police to intercept private oral  
20 communications.

21 (j) "In-progress trace" means to determine the origin of  
22 a wire communication to a telephone or telegraph instrument,  
23 equipment or facility during the course of the communication.

24 (k) "Intercept" means the aural or other acquisition of  
25 the contents of any private oral communication through the  
26 use of any electronic criminal surveillance device.

27 (l) "Journalist" means a person engaged in, connected  
28 with, or employed by news media, including newspapers,  
29 magazines, press associations, news agencies, wire services,  
30 radio, television or other similar media, for the purpose of  
31 gathering, processing, transmitting, compiling, editing or  
32 disseminating news for the general public.

33 (m) "Law enforcement agency" means any law enforcement  
34 agency of the United States, or the State or a political

1 subdivision of it.

2 (n) "Oral communication" means human speech used to  
3 communicate by one party to another, in person, by wire  
4 communication or by any other means.

5 (o) "Private ~~oral~~ communication" means a wire, ~~or~~ oral,  
6 or electronic communication uttered or transmitted by a  
7 person exhibiting an expectation that the communication is  
8 not subject to interception, under circumstances reasonably  
9 justifying the expectation. Circumstances that reasonably  
10 justify the expectation that a communication is not subject  
11 to interception include the use of a cordless telephone or  
12 cellular communication device.

13 (p) "Wire communication" means any human speech used to  
14 communicate by one party to another in whole or in part  
15 through the use of facilities for the transmission of  
16 communications by wire, cable or other like connection  
17 between the point of origin and the point of reception  
18 furnished or operated by a communications common carrier.

19 (q) "Privileged communications" means a private ~~oral~~  
20 communication between:

21 (1) a licensed and practicing physician and a  
22 patient within the scope of the profession of the  
23 physician;

24 (2) a licensed and practicing psychologist to a  
25 patient within the scope of the profession of the  
26 psychologist;

27 (3) a licensed and practicing attorney-at-law and a  
28 client within the scope of the profession of the lawyer;

29 (4) a practicing clergyman and a confidant within  
30 the scope of the profession of the clergyman;

31 (5) a practicing journalist within the scope of his  
32 profession;

33 (6) spouses within the scope of their marital  
34 relationship; or

1 (7) a licensed and practicing social worker to a  
2 client within the scope of the profession of the social  
3 worker.

4 (Source: P.A. 86-391; 86-763; 86-1028; 86-1206; 87-530.)

5 (725 ILCS 5/108B-2) (from Ch. 38, par. 108B-2)

6 Sec. 108B-2. Request for application for interception.

7 (a) A State's Attorney may apply for an order authorizing  
8 interception of private ~~oral~~ communications in accordance  
9 with the provisions of this Article.

10 (b) The head of a law enforcement agency, including, for  
11 purposes of this subsection, the acting head of such law  
12 enforcement agency if the head of such agency is absent or  
13 unable to serve, may request that a State's Attorney apply  
14 for an order authorizing interception of private ~~oral~~  
15 communications in accordance with the provisions of this  
16 Article.

17 Upon request of a law enforcement agency, the Department  
18 may provide technical assistance to such an agency which is  
19 authorized to conduct an interception.

20 (Source: P.A. 85-1203.)

21 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

22 Sec. 108B-3. Authorization for the interception of  
23 private ~~oral~~ communication.

24 (a) The State's Attorney, or a person designated in  
25 writing or by law to act for him and to perform his duties  
26 during his absence or disability, may authorize, in writing,  
27 an ex parte application to the chief judge of a court of  
28 competent jurisdiction for an order authorizing the  
29 interception of a private oral communication when no party  
30 has consented to the interception and (i) the interception  
31 may provide evidence of, or may assist in the apprehension of  
32 a person who has committed, is committing or is about to

1 commit, a violation of Section 8-1.1 (solicitation of  
2 murder), 8-1.2 (solicitation of murder for hire), 9-1 (first  
3 degree murder), or 29B-1 (money laundering) of the Criminal  
4 Code of 1961, Section 401, 401.1 (controlled substance  
5 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of  
6 the Illinois Controlled Substances Act, a violation of  
7 Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4,  
8 or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),  
9 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of  
10 1961 or conspiracy to commit money laundering or conspiracy  
11 to commit first degree murder; (ii) in response to a clear  
12 and present danger of imminent death or great bodily harm to  
13 persons resulting from: (1) a kidnapping or the holding of a  
14 hostage by force or the threat of the imminent use of force;  
15 or (2) the occupation by force or the threat of the imminent  
16 use of force of any premises, place, vehicle, vessel or  
17 aircraft; (iii) to aid an investigation or prosecution of a  
18 civil action brought under the Illinois Streetgang Terrorism  
19 Omnibus Prevention Act when there is probable cause to  
20 believe the interception of the private oral communication  
21 will provide evidence that a streetgang is committing, has  
22 committed, or will commit a second or subsequent gang-related  
23 offense or that the interception of the private oral  
24 communication will aid in the collection of a judgment  
25 entered under that Act; or (iv) upon information and belief  
26 that a streetgang has committed, is committing, or is about  
27 to commit a felony.

28 (b) The State's Attorney or a person designated in  
29 writing or by law to act for the State's Attorney and to  
30 perform his or her duties during his or her absence or  
31 disability, may authorize, in writing, an ex parte  
32 application to the chief judge of a circuit court for an  
33 order authorizing the interception of a private communication  
34 when no party has consented to the interception and the

1 interception may provide evidence of, or may assist in the  
2 apprehension of a person who has committed, is committing or  
3 is about to commit, a violation of an offense under Article  
4 29D of the Criminal Code of 1961.

5 (b-1) Subsection (b) shall cease to have effect on  
6 December 31, 2005.

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

10 (c) As used in this Section, "streetgang" and  
11 "gang-related" have the meanings ascribed to them in Section  
12 10 of the Illinois Streetgang Terrorism Omnibus Prevention  
13 Act.

14 (Source: P.A. 88-249; 88-677, eff. 12-15-94.)

15 (725 ILCS 5/108B-4) (from Ch. 38, par. 108B-4)  
16 Sec. 108B-4. Application for order of interception. (a)  
17 Each application for an order of authorization to intercept a  
18 private oral communication shall be made in writing upon oath  
19 or affirmation and shall include:

20 (1) The authority of the applicant to make the  
21 application;

22 (2) The identity of the electronic criminal surveillance  
23 officer for whom the authority to intercept a private oral  
24 communication is sought;

25 (3) The facts relied upon by the applicant including:

26 (i) The identity of the particular person, if known, who  
27 is committing, is about to commit, or has committed the  
28 offense and whose private communication is to be intercepted;

29 (ii) The details as to the particular offense that has  
30 been, is being, or is about to be committed;

31 (iii) The particular type of private communication to be  
32 intercepted;

33 (iv) Except as provided in Section 108B-7.5, a showing

1 that there is probable cause to believe that the private  
2 communication will be communicated on the particular wire or  
3 electronic communication facility involved or at the  
4 particular place where the oral communication is to be  
5 intercepted;

6 (v) Except as provided in Section 108B-7.5, the  
7 character and location of the particular wire or electronic  
8 communication facilities involved or the particular place  
9 where the oral communication is to be intercepted;

10 (vi) The objective of the investigation;

11 (vii) A statement of the period of time for which the  
12 interception is required to be maintained, and, if the  
13 objective of the investigation is such that the authorization  
14 for interception should not automatically terminate when the  
15 described type of communication has been first obtained, a  
16 particular statement of facts establishing probable cause to  
17 believe that additional communications of the same type will  
18 continue to occur;

19 (viii) A particular statement of facts showing that  
20 other normal investigative procedures with respect to the  
21 offense have been tried and have failed, or reasonably appear  
22 to be unlikely to succeed if tried, or are too dangerous to  
23 employ;

24 (4) Where the application is for the extension of an  
25 order, a statement of facts showing the results obtained from  
26 the interception, or a reasonable explanation of the failure  
27 to obtain results;

28 (5) A statement of the facts concerning all previous  
29 applications known to the applicant made to any court for  
30 authorization to intercept a private ~~an-oral,-electronic,-or~~  
31 ~~wire~~ communication involving any of the same facilities or  
32 places specified in the application or involving any person  
33 whose communication is to be intercepted, and the action  
34 taken by the court on each application;

1           (6) A proposed order of authorization for consideration  
2 by the judge; and

3           (7) Such additional statements of facts in support of  
4 the application on which the applicant may rely or as the  
5 chief judge may require.

6           (b) As part of the consideration of that part of an  
7 application for which there is no corroborative evidence  
8 offered, the chief judge may inquire in camera as to the  
9 identity of any informant or request any other additional  
10 information concerning the basis upon which the State's  
11 Attorney, or the head of the law enforcement agency has  
12 relied in making an application or a request for application  
13 for the order of authorization which the chief judge finds  
14 relevant to the determination of probable cause under this  
15 Article.

16 (Source: P.A. 85-1203.)

17           (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

18           Sec. 108B-5. Requirements for order of interception.  
19 Upon consideration of an application, the chief judge may  
20 enter an ex parte order, as requested or as modified,  
21 authorizing the interception of a private ~~oral~~ communication,  
22 if the chief judge determines on the basis of the application  
23 submitted by the applicant, that:

24           (1) There is probable cause for belief that (a) the  
25 person whose private communication is to be intercepted is  
26 committing, has committed, or is about to commit an offense  
27 enumerated in Section 108B-3, or (b) the facilities from  
28 which, or the place where, the private ~~oral~~ communication is  
29 to be intercepted, is, has been, or is about to be used in  
30 connection with the commission of the offense, or is leased  
31 to, listed in the name of, or commonly used by, the person;  
32 and

33           (2) There is probable cause for belief that a particular



1 private communication concerning such offense may be obtained  
2 through the interception; and

3 (3) Normal investigative procedures with respect to the  
4 offense have been tried and have failed or reasonably appear  
5 to be unlikely to succeed if tried or too dangerous to  
6 employ; and

7 (4) The electronic criminal surveillance officers to be  
8 authorized to supervise the interception of the private oral  
9 communication have been certified by the Department.

10 (b) In the case of an application, other than for an  
11 extension, for an order to intercept a communication of a  
12 person or on a wire communication facility that was the  
13 subject of a previous order authorizing interception, the  
14 application shall be based upon new evidence or information  
15 different from and in addition to the evidence or information  
16 offered to support the prior order, regardless of whether the  
17 evidence was derived from prior interceptions or from other  
18 sources.

19 (c) The chief judge may authorize interception of a  
20 private oral communication anywhere in the judicial circuit.  
21 If the court authorizes the use of an eavesdropping device  
22 with respect to a vehicle, watercraft, or aircraft that is  
23 within the judicial circuit at the time the order is issued,  
24 the order may provide that the interception may continue  
25 anywhere within the State if the vehicle, watercraft, or  
26 aircraft leaves the judicial circuit.

27 (Source: P.A. 85-1203.)

28 (725 ILCS 5/108B-7) (from Ch. 38, par. 108B-7)

29 Sec. 108B-7. Contents of order for use of eavesdropping  
30 device. (a) Each order authorizing the interception of a  
31 private oral communication shall state:

32 (1) The chief judge is authorized to issue the order;

33 (2) The identity of, or a particular description of, the

1 person, if known, whose private communications are to be  
2 intercepted;

3 (3) The character and location of the particular wire  
4 communication facilities as to which, or the particular place  
5 of the communications as to which, authority to intercept is  
6 granted;

7 (4) A particular description of the type of private  
8 communication to be intercepted and a statement of the  
9 particular offense to which it relates;

10 (5) The identity and certification of the electronic  
11 criminal surveillance officers to whom the authority to  
12 intercept a private oral communication is given and the  
13 identity of the person who authorized the application; and

14 (6) The period of time during which the interception is  
15 authorized, including a statement as to whether or not the  
16 interception shall automatically terminate when the described  
17 communication has been first obtained.

18 (b) No order entered under this Section shall authorize  
19 the interception of private oral communications for a period  
20 of time in excess of that necessary to achieve the objective  
21 of the authorization. Every order entered under this Section  
22 shall require that the interception begin and terminate as  
23 soon as practicable and be conducted in such a manner as to  
24 minimize the interception of communications not otherwise  
25 subject to interception. No order, other than for an  
26 extension, entered under this Section may authorize the  
27 interception of private oral communications for any period  
28 exceeding 30 days. Extensions of an order may be granted for  
29 periods of not more than 30 days. No extension shall be  
30 granted unless an application for it is made in accordance  
31 with Section 108B-4 and the judge makes the findings required  
32 by Section 108B-5 and, where necessary, Section 108B-6.

33 (c) Whenever an order authorizing an interception is  
34 entered, the order shall require reports to be made to the

1 chief judge who issued the order showing what progress has  
2 been made toward achievement of the authorized objective and  
3 the need for continued interception. The reports shall be  
4 made at such intervals as the judge may require.

5 (d) An order authorizing the interception of a private  
6 ~~era~~ communication shall, upon request of the applicant,  
7 direct that a communications common carrier, landlord, owner,  
8 building operator, custodian, or other person furnish the  
9 applicant forthwith all information, facilities and technical  
10 assistance necessary to accomplish the interception  
11 unobtrusively and with a minimum of interference with the  
12 services that the carrier, owner, building operator,  
13 landlord, custodian, or person is affording the person whose  
14 communication is to be intercepted. The obligation of a  
15 communications common carrier under the order may include  
16 conducting an in-progress trace during an interception. Any  
17 communications common carrier, landlord, owner, building  
18 operator, custodian, or person furnishing the facilities or  
19 technical assistance shall be compensated by the applicant at  
20 the prevailing rates.

21 (e) A communications common carrier, landlord, owner,  
22 building operator, custodian, or other person who has been  
23 provided with an order issued under this Article shall not  
24 disclose the existence of the order of interception, or of a  
25 device used to accomplish the interception unless:

- 26 (1) He is required to do so by legal process; and
- 27 (2) He has given prior notification to the State's  
28 Attorney, who has authorized the application for the order.

29 (f) An order authorizing the interception of a private  
30 ~~era~~ communication shall, upon the request of the applicant,  
31 authorize the entry into the place or facilities by  
32 electronic criminal surveillance officers as often as  
33 necessary for the purpose of installing, maintaining or  
34 removing an intercepting device where the entry is necessary

1 to conduct or complete the interception. The chief judge who  
2 issues the order shall be notified of the fact of each entry  
3 prior to entry, if practicable, and, in any case, within 48  
4 hours of entry.

5 (g) (1) Notwithstanding any provision of this Article,  
6 any chief judge of a court of competent jurisdiction to which  
7 any application is made under this Article may take any  
8 evidence, make any finding, or issue any order to conform the  
9 proceedings or the issuance of any order to the Constitution  
10 of the United States, or of any law of the United States or  
11 to the Constitution of the State of Illinois or to the laws  
12 of Illinois.

13 (2) When the language of this Article is the same or  
14 similar to the language of Title III of P.L. 90-351 (82 Stat.  
15 211 et seq., codified at, 18 U.S.C. 2510 et seq.), the courts  
16 of this State in construing this Article shall follow the  
17 construction given to Federal law by the United States  
18 Supreme Court or United States Court of Appeals for the  
19 Seventh Circuit.

20 (Source: P.A. 85-1203.)

21 (725 ILCS 5/108B-7.5 new)

22 Sec. 108B-7.5. Applicability.

23 (a) The requirements of subdivisions (a)(3)(iv) and  
24 (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section  
25 108B-5, and subdivision (a)(3) of Section 108B-7 of this  
26 Article relating to the specification of the facilities from  
27 which, or the place where, the communication is to be  
28 intercepted do not apply if:

29 (1) in the case of an application with respect to  
30 the interception of an oral communication:

31 (A) the application is by the State's  
32 Attorney, or a person designated in writing or by  
33 law to act for the State's Attorney and to perform

1 his or her duties during his or her absence or  
2 disability;

3 (B) the application contains a full and  
4 complete statement as to why such specification is  
5 not practical and identifies the person committing  
6 the offense and whose communications are to be  
7 intercepted;

8 (C) the judge finds that such specification is  
9 not practical; and

10 (D) the order sought is in connection with an  
11 investigation of a violation of Article 29D of the  
12 Criminal Code of 1961.

13 (2) in the case of an application with respect to a  
14 wire or electronic communication:

15 (A) the application is by the State's  
16 Attorney, or a person designated in writing or by  
17 law to act for the State's Attorney and to perform  
18 his or her duties during his or her absence or  
19 disability;

20 (B) the application identifies the person  
21 believed to be committing the offense and whose  
22 communications are to be intercepted and the  
23 applicant makes a showing that there is probable  
24 cause to believe that the person's actions could  
25 have the effect of thwarting interception from a  
26 specified facility;

27 (C) the judge finds that such showing has been  
28 adequately made;

29 (D) the order authorizing or approving the  
30 interception is limited to interception only for  
31 such time as it is reasonable to presume that the  
32 person identified in the application is or was  
33 reasonably proximate to the instrument through which  
34 such communication will be or was transmitted; and

1           (E) the order sought is in connection with an  
2           investigation of a violation of Article 29D of the  
3           Criminal Code of 1961.

4           (b) An interception of a communication under an order  
5           with respect to which the requirements of subdivisions  
6           (a)(3)(iv) and (a)(3)(v) of Section 108B-4, subdivision  
7           (1)(b) of Section 108B-5, and subdivision (a)(3) of Section  
8           108B-7 of this Article do not apply by reason of this Section  
9           shall not begin until the place where the communication is to  
10           be intercepted is ascertained by the person implementing the  
11           interception order. A provider of wire or electronic  
12           communications service that has received an order as provided  
13           for in subdivision (a)(2) may move the court to modify or  
14           quash the order on the ground that its assistance with  
15           respect to the interception cannot be performed in a timely  
16           or reasonable fashion. The court, upon notice to the  
17           government, shall decide such a motion expeditiously.

18           (725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

19           Sec. 108B-8. Emergency use of eavesdropping device. (a)  
20 Whenever, upon informal application by the State's Attorney,  
21 a chief judge of competent jurisdiction determines that:

22           (1) There may be grounds upon which an order could be  
23 issued under this Article;

24           (2) There is probable cause to believe that an emergency  
25 situation exists with respect to the investigation of an  
26 offense enumerated in Section 108B-3; and

27           (3) There is probable cause to believe that a  
28 substantial danger to life or limb exists justifying the  
29 authorization for immediate interception of a private oral  
30 communication before formal application for an order could  
31 with due diligence be submitted to him and acted upon; the  
32 chief judge may grant oral approval for an interception,  
33 without an order, conditioned upon the filing with him,

1 within 48 hours, of an application for an order under Section  
2 108B-4 which shall also recite the oral approval under this  
3 Section and be retroactive to the time of the oral approval.

4 (b) Interception under oral approval under this Section  
5 shall immediately terminate when the communication sought is  
6 obtained or when the application for an order is denied,  
7 whichever is earlier.

8 (c) In the event no formal application for an order is  
9 subsequently made under this Section, the content of any  
10 private oral communication intercepted under oral approval  
11 under this Section shall be treated as having been obtained  
12 in violation of this Article.

13 (d) In the event no application for an order is made  
14 under this Section or an application made under this Section  
15 is subsequently denied, the judge shall cause an inventory to  
16 be served under Section 108B-11 of this Article and shall  
17 require the tape or other recording of the intercepted  
18 communication to be delivered to, and sealed by, the judge.  
19 The evidence shall be retained by the court, and it shall not  
20 be used or disclosed in any legal proceeding, except a civil  
21 action brought by an aggrieved person under Section 14-6 of  
22 the Criminal Code of 1961, or as otherwise authorized by the  
23 order of a court of competent jurisdiction. In addition to  
24 other remedies or penalties provided by law, failure to  
25 deliver any tape or other recording to the chief judge shall  
26 be punishable as contempt by the judge directing the  
27 delivery.

28 (Source: P.A. 85-1203.)

29 (725 ILCS 5/108B-9) (from Ch. 38, par. 108B-9)  
30 Sec. 108B-9. Recordings, records and custody.

31 (a) Any private oral communication intercepted in  
32 accordance with this Article shall, if practicable, be  
33 recorded by tape or other comparable method. The recording

1 shall, if practicable, be done in such a way as will protect  
 2 it from editing or other alteration. During an interception,  
 3 the interception shall be carried out by an electronic  
 4 criminal surveillance officer or court approved designee,  
 5 and, if practicable, such officer shall keep a signed,  
 6 written record, including:

- 7 (1) The date and hours of surveillance;
- 8 (2) The time and duration of each intercepted  
 9 communication;
- 10 (3) The parties, if known, to each intercepted  
 11 conversation; and
- 12 (4) A summary of the contents of each intercepted  
 13 communication.

14 (b) Immediately upon the expiration of the order or its  
 15 extensions, the tapes and other recordings shall be  
 16 transferred to the chief judge issuing the order and sealed  
 17 under his direction. Custody of the tapes, or other  
 18 recordings, shall be maintained wherever the chief judge  
 19 directs. They shall not be destroyed except upon an order of  
 20 a court of competent jurisdiction and in any event shall be  
 21 kept for 10 years. Duplicate tapes or other recordings may  
 22 be made for disclosure or use under paragraph (a) of Section  
 23 108B-2a of this Article. The presence of the seal provided  
 24 by this Section, or a satisfactory explanation for its  
 25 absence, shall be a prerequisite for the disclosure of the  
 26 contents of any private ~~oral~~ communication, or evidence  
 27 derived from it, under paragraph (b) of Section 108B-2a of  
 28 this Article.

29 (Source: P.A. 86-763.)

30 (725 ILCS 5/108B-10) (from Ch. 38, par. 108B-10)  
 31 Sec. 108B-10. Applications, orders, and custody.

32 (a) Applications made and orders granted under this  
 33 Article for the interception of private ~~oral~~ communications



1 shall be sealed by the chief judge issuing or denying them  
2 and held in custody as the judge shall direct. The  
3 applications and orders shall be kept for a period of 10  
4 years. Destruction of the applications and orders prior to  
5 the expiration of that period of time may be made only upon  
6 the order of a court of competent jurisdiction. Disclosure  
7 of the applications and orders may be ordered by a court of  
8 competent jurisdiction on a showing of good cause.

9 (b) The electronic criminal surveillance officer shall  
10 retain a copy of applications and orders for the interception  
11 of private ~~oral~~ communications. The applications and orders  
12 shall be kept for a period of 10 years. Destruction of the  
13 applications and orders prior to the expiration of that  
14 period of time may be made only upon an order of a court of  
15 competent jurisdiction. Disclosure and use of the  
16 applications and orders may be made by an electronic criminal  
17 surveillance officer only in the proper performance of his  
18 official duties.

19 (c) In addition to any other remedies or penalties  
20 provided by law, any violation of this Section shall be  
21 punishable as contempt of court.

22 (Source: P.A. 85-1203.)

23 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

24 Sec. 108B-11. Inventory.

25 (a) Within a reasonable period of time but not later than  
26 90 days after the termination of the period of the order, or  
27 its extensions, or the date of the denial of an application  
28 made under Section 108B-8, the chief judge issuing or denying  
29 the order or extension shall cause an inventory to be served  
30 on any person:

31 (1) Named in the order;

32 (2) Arrested as a result of the interception of his  
33 private ~~oral~~ communication;

1 (3) Indicted or otherwise charged as a result of the  
2 interception of his private oral communication;

3 (4) Any person whose private oral communication was  
4 intercepted and who the judge issuing or denying the order or  
5 application may in his discretion determine should be  
6 informed in the interest of justice.

7 (b) The inventory under this Section shall include:

8 (1) Notice of the entry of the order or the application  
9 for an order denied under Section 108B-8;

10 (2) The date of the entry of the order or the denial of  
11 an order applied for under Section 108B-8;

12 (3) The period of authorized or disapproved  
13 interception; and

14 (4) The fact that during the period a private oral  
15 communication was or was not intercepted.

16 (c) A court of competent jurisdiction, upon filing of a  
17 motion, may in its discretion make available to those persons  
18 or their attorneys for inspection those portions of the  
19 intercepted communications, applications and orders as the  
20 court determines to be in the interest of justice.

21 (d) On an ex parte showing of good cause to a court of  
22 competent jurisdiction, the serving of the inventories  
23 required by this Section may be postponed for a period not to  
24 exceed 12 months.

25 (Source: P.A. 85-1203.)

26 (725 ILCS 5/108B-12) (from Ch. 38, par. 108B-12)

27 Sec. 108B-12. Approval, notice, suppression.

28 (a) If an electronic criminal surveillance officer,  
29 while intercepting a private oral communication in accordance  
30 with the provision of this Article, intercepts a private oral  
31 communication that relates to an offense other than an  
32 offense enumerated in Section 108B-3 of the Act, or relates  
33 to an offense enumerated in Section 108B-3 but not specified

1 in the order of authorization, the State's Attorney, or a  
2 person designated in writing or by law to act for him, may,  
3 in order to permit the disclosure or use of the information  
4 under Section 108B-2a of this Act, make a motion for an order  
5 approving the interception. The chief judge of a court of  
6 competent jurisdiction shall enter an order approving the  
7 interception if he finds that at the time of the application,  
8 there existed probable cause to believe that a person whose  
9 private oral communication was intercepted was committing or  
10 had committed an offense and the content of the communication  
11 relates to that offense, and that the communication was  
12 otherwise intercepted in accordance with the provisions of  
13 this Article.

14 (b) An intercepted private oral communication, or  
15 evidence derived from it, may not be received in evidence or  
16 otherwise disclosed in an official proceeding unless each  
17 aggrieved person who is a party in the official proceeding,  
18 including any proceeding before a legislative, judicial,  
19 administrative or other governmental agency or official  
20 authorized to hear evidence under oath or other person taking  
21 testimony or depositions in any such proceeding, other than a  
22 grand jury, has, not less than 10 days before the official  
23 proceeding, been furnished with a copy of the court order,  
24 and the accompanying application, under which the  
25 interception was authorized or approved. The 10 day period  
26 may be waived by the presiding official if he finds that it  
27 was not practicable to furnish the person with the  
28 information 10 days before the proceeding, and that the  
29 person will not be or has not been prejudiced by delay in  
30 receiving the information.

31 (c) An aggrieved person in an official proceeding may  
32 make a motion under this Section to suppress the contents of  
33 an intercepted private oral communication, or evidence  
34 derived from it, on the grounds that:

- 1           (1) The communication was unlawfully intercepted;
- 2           (2) The order of authorization or approval under which
- 3 it was intercepted is insufficient on its face; or
- 4           (3) The interception was not made in conformity with the
- 5 order of authorization or approval or at the time of the
- 6 application there was not probable cause to believe that the
- 7 aggrieved person was committing or had committed the offense
- 8 to which the content of the private communication relates.

9           (d) If a motion under this Section duly alleges that the

10 evidence sought to be suppressed in an official proceeding,

11 including a grand jury, has been derived from an unlawfully

12 intercepted private oral communication, and if the aggrieved

13 person who is a party has not been served with notice of the

14 interception under this Section, the opponent of the

15 allegation shall, after conducting a thorough search of its

16 files, affirm or deny the occurrence of the alleged unlawful

17 interception, but no motion shall be considered if the

18 alleged unlawful interception took place more than 5 years

19 before the event to which the evidence relates.

20           (e) Where a motion is duly made under this Section prior

21 to the appearance of a witness before a grand jury, the

22 opponent of the motion may make such applications and orders

23 as it has available to the chief judge of a court of

24 competent jurisdiction in camera, and if the judge determines

25 that there is no defect in them sufficient on its face to

26 render them invalid, the judge shall inform the witness that

27 he has not been the subject of an unlawful interception. If

28 the judge determines that there is a defect in them

29 sufficient on its face to render them invalid, he shall enter

30 an order prohibiting any question being put to the witness

31 based on the unlawful interception.

32           (f) Motions under this Section shall be made prior to

33 the official proceeding unless there was no opportunity to

34 make the motion or unless the aggrieved person who is a party

1 was not aware of the grounds for the motion. Motions by  
2 co-indictees shall, on motion of the People, be heard in a  
3 single consolidated hearing.

4 (g) A chief judge of a court of competent jurisdiction,  
5 upon the filing of a motion by an aggrieved person who is a  
6 party under this Section, except before a grand jury, may  
7 make available for inspection by the aggrieved person or his  
8 attorney such portions of the intercepted private  
9 communications, applications and orders or the evidence  
10 derived from them as the judge determines to be in the  
11 interest of justice.

12 (h) If a motion under this Section is granted, the  
13 intercepted private ~~oral~~ communication, and evidence derived  
14 from it, may not be received in evidence in an official  
15 proceeding, including a grand jury.

16 (i) In addition to any other right of appeal, the People  
17 shall have the right to appeal from an order granting a  
18 motion to suppress if the official to whom the order  
19 authorizing the interception was granted certifies to the  
20 court that the appeal is not taken for purposes of delay.  
21 The appeal shall otherwise be taken in accordance with the  
22 law.

23 (Source: P.A. 85-1203.)

24 (725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)

25 Sec. 108B-14. Training.

26 (a) The Director of the Illinois Department of State  
27 Police shall:

28 (1) Establish a course of training in the legal,  
29 practical, and technical aspects of the interception of  
30 private ~~oral~~ communications and related investigation and  
31 prosecution techniques;

32 (2) Issue regulations as he finds necessary for the  
33 training program;

1           (3) In cooperation with the Illinois Law  
2 Enforcement Training Standards Board, set minimum  
3 standards for certification and periodic recertification  
4 of electronic criminal surveillance officers as eligible  
5 to apply for orders authorizing the interception of  
6 private ~~oral~~ communications, to conduct the  
7 interceptions, and to use the private communications or  
8 evidence derived from them in official proceedings; and

9           (4) In cooperation with the Illinois Law  
10 Enforcement Training Standards Board, revoke or suspend  
11 the certification of any electronic criminal surveillance  
12 officer who has violated any law relating to electronic  
13 criminal surveillance, or any of the guidelines  
14 established by the Department for conducting electronic  
15 criminal surveillance.

16           (b) The Executive Director of the Illinois Law  
17 Enforcement Training Standards Board shall:

18           (1) Pursuant to the Illinois Police Training Act,  
19 review the course of training prescribed by the  
20 Department for the purpose of certification relating to  
21 reimbursement of expenses incurred by local law  
22 enforcement agencies participating in the electronic  
23 criminal surveillance officer training process, and

24           (2) Assist the Department in establishing minimum  
25 standards for certification and periodic recertification  
26 of electronic criminal surveillance officers as being  
27 eligible to apply for orders authorizing the interception  
28 of private ~~oral~~ communications, to conduct the  
29 interpretations, and to use the communications or  
30 evidence derived from them in official proceedings.

31 (Source: P.A. 88-586, eff. 8-12-94.)

32           Section 21. The Statewide Grand Jury Act is amended by  
33 changing Sections 2, 3, 4, and 10 as follows:

1 (725 ILCS 215/2) (from Ch. 38, par. 1702)  
2 Sec. 2. (a) County grand juries and State's Attorneys  
3 have always had and shall continue to have primary  
4 responsibility for investigating, indicting, and prosecuting  
5 persons who violate the criminal laws of the State of  
6 Illinois. However, in recent years organized terrorist  
7 activity directed against innocent civilians and certain  
8 criminal enterprises have developed that require  
9 investigation, indictment, and prosecution on a statewide or  
10 multicounty level. The criminal These enterprises exist as a  
11 result of the allure of profitability present in narcotic  
12 activity, the unlawful sale and transfer of firearms, and  
13 streetgang related felonies and organized terrorist activity  
14 is supported by the contribution of money and expert  
15 assistance from geographically diverse sources. In order to  
16 shut off the life blood of terrorism and weaken or eliminate  
17 the criminal these enterprises, assets, and property used to  
18 further these offenses must be frozen, and any the profit  
19 must be removed. State statutes exist that can accomplish  
20 that goal. Among them are the offense of money laundering,  
21 the Cannabis and Controlled Substances Tax Act, violations of  
22 Article 29D of the Criminal Code of 1961, the Narcotics  
23 Profit Forfeiture Act, and gunrunning. Local prosecutors  
24 need investigative personnel and specialized training to  
25 attack and eliminate these profits. In light of the  
26 transitory and complex nature of conduct that constitutes  
27 these criminal activities, the many diverse property  
28 interests that may be used, acquired directly or indirectly  
29 as a result of these criminal activities, and the many places  
30 that illegally obtained property may be located, it is the  
31 purpose of this Act to create a limited, multicounty  
32 Statewide Grand Jury with authority to investigate, indict,  
33 and prosecute: narcotic activity, including cannabis and  
34 controlled substance trafficking, narcotics racketeering,

1 money laundering, and violations of the Cannabis and  
2 Controlled Substances Tax Act; the unlawful sale and transfer  
3 of firearms; gunrunning; and streetgang related felonies.

4 (b) A Statewide Grand Jury may also investigate, indict,  
5 and prosecute violations facilitated by the use of a computer  
6 of any of the following offenses: indecent solicitation of a  
7 child, sexual exploitation of a child, soliciting for a  
8 juvenile prostitute, keeping a place of juvenile  
9 prostitution, juvenile pimping, or child pornography.

10 (Source: P.A. 91-225, eff. 1-1-00.)

11 (725 ILCS 215/3) (from Ch. 38, par. 1703)

12 Sec. 3. Written application for the appointment of a  
13 Circuit Judge to convene and preside over a Statewide Grand  
14 Jury, with jurisdiction extending throughout the State, shall  
15 be made to the Chief Justice of the Supreme Court. Upon such  
16 written application, the Chief Justice of the Supreme Court  
17 shall appoint a Circuit Judge from the circuit where the  
18 Statewide Grand Jury is being sought to be convened, who  
19 shall make a determination that the convening of a Statewide  
20 Grand Jury is necessary.

21 In such application the Attorney General shall state that  
22 the convening of a Statewide Grand Jury is necessary because  
23 of an alleged offense or offenses set forth in this Section  
24 involving more than one county of the State and identifying  
25 any such offense alleged; and

26 (a) that he or she believes that the grand jury  
27 function for the investigation and indictment of the  
28 offense or offenses cannot effectively be performed by a  
29 county grand jury together with the reasons for such  
30 belief, and

31 (b)(1) that each State's Attorney with  
32 jurisdiction over an offense or offenses to be  
33 investigated has consented to the impaneling of the



1 Statewide Grand Jury, or

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

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

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

26 (a-5) For violations facilitated by the use of a  
27 computer, including the use of the Internet, the World  
28 Wide Web, electronic mail, message board, newsgroup, or  
29 any other commercial or noncommercial on-line service, of  
30 any of the following offenses: indecent solicitation of  
31 a child, sexual exploitation of a child, soliciting for a  
32 juvenile prostitute, keeping a place of juvenile  
33 prostitution, juvenile pimping, or child pornography; and

34 (b) For the offenses of perjury, subornation of

1 perjury, communicating with jurors and witnesses, and  
2 harassment of jurors and witnesses, as they relate to  
3 matters before the Statewide Grand Jury.

4 "Streetgang related" has the meaning ascribed to it in  
5 Section 10 of the Illinois Streetgang Terrorism Omnibus  
6 Prevention Act.

7 Upon written application by the Attorney General for the  
8 convening of an additional Statewide Grand Jury, the Chief  
9 Justice of the Supreme Court shall appoint a Circuit Judge  
10 from the circuit for which the additional Statewide Grand  
11 Jury is sought. The Circuit Judge shall determine the  
12 necessity for an additional Statewide Grand Jury in  
13 accordance with the provisions of this Section. No more than  
14 2 Statewide Grand Juries may be empaneled at any time.

15 (Source: P.A. 91-225, eff. 1-1-00; 91-947, eff. 2-9-01.)

16 (725 ILCS 215/4) (from Ch. 38, par. 1704)

17 Sec. 4. (a) The presiding judge of the Statewide Grand  
18 Jury will receive recommendations from the Attorney General  
19 as to the county in which the Grand Jury will sit. Prior to  
20 making the recommendations, the Attorney General shall obtain  
21 the permission of the local State's Attorney to use his or  
22 her county for the site of the Statewide Grand Jury. Upon  
23 receiving the Attorney General's recommendations, the  
24 presiding judge will choose one of those recommended  
25 locations as the site where the Grand Jury shall sit.

26 Any indictment by a Statewide Grand Jury shall be  
27 returned to the Circuit Judge presiding over the Statewide  
28 Grand Jury and shall include a finding as to the county or  
29 counties in which the alleged offense was committed.  
30 Thereupon, the judge shall, by order, designate the county of  
31 venue for the purpose of trial. The judge may also, by  
32 order, direct the consolidation of an indictment returned by  
33 a county grand jury with an indictment returned by the

1 Statewide Grand Jury and set venue for trial.

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

4 (1) Cannabis or a controlled substance which is the  
5 basis for the charge of narcotics racketeering was used;  
6 acquired; transferred or distributed to, from or through;  
7 or any county where any act was performed to further the  
8 use; acquisition, transfer or distribution of said  
9 cannabis or controlled substance; or

10 (2) Any money, property, property interest, or any  
11 other asset generated by narcotics activities was  
12 acquired, used, sold, transferred or distributed to, from  
13 or through; or,

14 (3) Any enterprise interest obtained as a result of  
15 narcotics racketeering was acquired, used, transferred or  
16 distributed to, from or through, or where any activity  
17 was conducted by the enterprise or any conduct to further  
18 the interests of such an enterprise.

19 (c) Venue for purposes of trial for the offense of money  
20 laundering shall be proper in any county where any part of a  
21 financial transaction in criminally derived property took  
22 place, or in any county where any money or monetary interest  
23 which is the basis for the offense, was acquired, used, sold,  
24 transferred or distributed to, from, or through.

25 (d) A person who commits the offense of cannabis  
26 trafficking or controlled substance trafficking may be tried  
27 in any county.

28 (e) Venue for purposes of trial for any violation of  
29 Article 29D of the Criminal Code of 1961 may be in the county  
30 in which an act of terrorism occurs, the county in which  
31 material support or resources are provided or solicited, the  
32 county in which criminal assistance is rendered, or any  
33 county in which any act in furtherance of any violation of  
34 Article 29D of the Criminal Code of 1961 occurs.

1 (Source: P.A. 87-466.)

2 (725 ILCS 215/10) (from Ch. 38, par. 1710)

3 Sec. 10. The Attorney General shall, at the earliest  
4 opportunity, upon initiation of Grand Jury action, consult  
5 with and advise the State's Attorney of any county involved  
6 in a Statewide Grand Jury terrorist or narcotics  
7 investigation. Further, the State's Attorney may attend the  
8 Grand Jury proceedings or the trial of any party being  
9 investigated or indicted by the Statewide Grand Jury, and may  
10 assist in the prosecution, which in his or her judgment, is  
11 in the interest of the people of his or her county. Prior to  
12 granting transactional immunity to any witness before the  
13 Statewide Grand Jury, any State's Attorney with jurisdiction  
14 over the offense or offenses being investigated by the  
15 Statewide Grand Jury must consent to the granting of immunity  
16 to the witness. Prior to granting use immunity to any  
17 witness before the Statewide Grand Jury, the Attorney General  
18 shall consult with any State's Attorney with jurisdiction  
19 over the offense or offenses being investigated by the  
20 Statewide Grand Jury.

21 (Source: P.A. 87-466.)

22 Section 25. The Unified Code of Corrections is amended  
23 by changing Sections 3-6-3 and 5-4-3 as follows:

24 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

25 Sec. 3-6-3. Rules and Regulations for Early Release.

26 (a) (1) The Department of Corrections shall  
27 prescribe rules and regulations for the early release on  
28 account of good conduct of persons committed to the  
29 Department which shall be subject to review by the  
30 Prisoner Review Board.

31 (2) The rules and regulations on early release

1 shall provide, with respect to offenses committed on or  
2 after June 19, 1998, the following:

3 (i) that a prisoner who is serving a term of  
4 imprisonment for first degree murder or for the  
5 offense of terrorism shall receive no good conduct  
6 credit and shall serve the entire sentence imposed  
7 by the court;

8 (ii) that a prisoner serving a sentence for  
9 attempt to commit first degree murder, solicitation  
10 of murder, solicitation of murder for hire,  
11 intentional homicide of an unborn child, predatory  
12 criminal sexual assault of a child, aggravated  
13 criminal sexual assault, criminal sexual assault,  
14 aggravated kidnapping, aggravated battery with a  
15 firearm, heinous battery, aggravated battery of a  
16 senior citizen, or aggravated battery of a child  
17 shall receive no more than 4.5 days of good conduct  
18 credit for each month of his or her sentence of  
19 imprisonment; and

20 (iii) that a prisoner serving a sentence for  
21 home invasion, armed robbery, aggravated vehicular  
22 hijacking, aggravated discharge of a firearm, or  
23 armed violence with a category I weapon or category  
24 II weapon, when the court has made and entered a  
25 finding, pursuant to subsection (c-1) of Section  
26 5-4-1 of this Code, that the conduct leading to  
27 conviction for the enumerated offense resulted in  
28 great bodily harm to a victim, shall receive no more  
29 than 4.5 days of good conduct credit for each month  
30 of his or her sentence of imprisonment.

31 (2.1) For all offenses, other than those enumerated  
32 in subdivision (a)(2) committed on or after June 19,  
33 1998, and other than the offense of reckless homicide as  
34 defined in subsection (e) of Section 9-3 of the Criminal

1 Code of 1961 committed on or after January 1, 1999, the  
2 rules and regulations shall provide that a prisoner who  
3 is serving a term of imprisonment shall receive one day  
4 of good conduct credit for each day of his or her  
5 sentence of imprisonment or recommitment under Section  
6 3-3-9. Each day of good conduct credit shall reduce by  
7 one day the prisoner's period of imprisonment or  
8 recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life  
10 imprisonment or a prisoner who has been sentenced to  
11 death shall receive no good conduct credit.

12 (2.3) The rules and regulations on early release  
13 shall provide that a prisoner who is serving a sentence  
14 for reckless homicide as defined in subsection (e) of  
15 Section 9-3 of the Criminal Code of 1961 committed on or  
16 after January 1, 1999 shall receive no more than 4.5 days  
17 of good conduct credit for each month of his or her  
18 sentence of imprisonment.

19 (2.4) The rules and regulations on early release  
20 shall provide with respect to the offenses of aggravated  
21 battery with a machine gun or a firearm equipped with any  
22 device or attachment designed or used for silencing the  
23 report of a firearm or aggravated discharge of a machine  
24 gun or a firearm equipped with any device or attachment  
25 designed or used for silencing the report of a firearm,  
26 committed on or after the effective date of this  
27 amendatory Act of 1999, that a prisoner serving a  
28 sentence for any of these offenses shall receive no more  
29 than 4.5 days of good conduct credit for each month of  
30 his or her sentence of imprisonment.

31 (2.5) The rules and regulations on early release  
32 shall provide that a prisoner who is serving a sentence  
33 for aggravated arson committed on or after the effective  
34 date of this amendatory Act of the 92nd General Assembly

1 shall receive no more than 4.5 days of good conduct  
2 credit for each month of his or her sentence of  
3 imprisonment.

4 (3) The rules and regulations shall also provide  
5 that the Director may award up to 180 days additional  
6 good conduct credit for meritorious service in specific  
7 instances as the Director deems proper; except that no  
8 more than 90 days of good conduct credit for meritorious  
9 service shall be awarded to any prisoner who is serving a  
10 sentence for conviction of first degree murder, reckless  
11 homicide while under the influence of alcohol or any  
12 other drug, aggravated kidnapping, kidnapping, predatory  
13 criminal sexual assault of a child, aggravated criminal  
14 sexual assault, criminal sexual assault, deviate sexual  
15 assault, aggravated criminal sexual abuse, aggravated  
16 indecent liberties with a child, indecent liberties with  
17 a child, child pornography, heinous battery, aggravated  
18 battery of a spouse, aggravated battery of a spouse with  
19 a firearm, stalking, aggravated stalking, aggravated  
20 battery of a child, endangering the life or health of a  
21 child, cruelty to a child, or narcotic racketeering.  
22 Notwithstanding the foregoing, good conduct credit for  
23 meritorious service shall not be awarded on a sentence of  
24 imprisonment imposed for conviction of: (i) one of the  
25 offenses enumerated in subdivision (a)(2) when the  
26 offense is committed on or after June 19, 1998, (ii)  
27 reckless homicide as defined in subsection (e) of Section  
28 9-3 of the Criminal Code of 1961 when the offense is  
29 committed on or after January 1, 1999, (iii) one of the  
30 offenses enumerated in subdivision (a)(2.4) when the  
31 offense is committed on or after the effective date of  
32 this amendatory Act of 1999, or (iv) aggravated arson  
33 when the offense is committed on or after the effective  
34 date of this amendatory Act of the 92nd General Assembly.

1           (4) The rules and regulations shall also provide  
2 that the good conduct credit accumulated and retained  
3 under paragraph (2.1) of subsection (a) of this Section  
4 by any inmate during specific periods of time in which  
5 such inmate is engaged full-time in substance abuse  
6 programs, correctional industry assignments, or  
7 educational programs provided by the Department under  
8 this paragraph (4) and satisfactorily completes the  
9 assigned program as determined by the standards of the  
10 Department, shall be multiplied by a factor of 1.25 for  
11 program participation before August 11, 1993 and 1.50 for  
12 program participation on or after that date. However, no  
13 inmate shall be eligible for the additional good conduct  
14 credit under this paragraph (4) while assigned to a boot  
15 camp, mental health unit, or electronic detention, or if  
16 convicted of an offense enumerated in paragraph (a)(2) of  
17 this Section that is committed on or after June 19, 1998,  
18 or if convicted of reckless homicide as defined in  
19 subsection (e) of Section 9-3 of the Criminal Code of  
20 1961 if the offense is committed on or after January 1,  
21 1999, or if convicted of an offense enumerated in  
22 paragraph (a)(2.4) of this Section that is committed on  
23 or after the effective date of this amendatory Act of  
24 1999, or first degree murder, a Class X felony, criminal  
25 sexual assault, felony criminal sexual abuse, aggravated  
26 criminal sexual abuse, aggravated battery with a firearm,  
27 or any predecessor or successor offenses with the same or  
28 substantially the same elements, or any inchoate offenses  
29 relating to the foregoing offenses. No inmate shall be  
30 eligible for the additional good conduct credit under  
31 this paragraph (4) who (i) has previously received  
32 increased good conduct credit under this paragraph (4)  
33 and has subsequently been convicted of a felony, or (ii)  
34 has previously served more than one prior sentence of



1 imprisonment for a felony in an adult correctional  
2 facility.

3 Educational, vocational, substance abuse and  
4 correctional industry programs under which good conduct  
5 credit may be increased under this paragraph (4) shall be  
6 evaluated by the Department on the basis of documented  
7 standards. The Department shall report the results of  
8 these evaluations to the Governor and the General  
9 Assembly by September 30th of each year. The reports  
10 shall include data relating to the recidivism rate among  
11 program participants.

12 Availability of these programs shall be subject to  
13 the limits of fiscal resources appropriated by the  
14 General Assembly for these purposes. Eligible inmates  
15 who are denied immediate admission shall be placed on a  
16 waiting list under criteria established by the  
17 Department. The inability of any inmate to become engaged  
18 in any such programs by reason of insufficient program  
19 resources or for any other reason established under the  
20 rules and regulations of the Department shall not be  
21 deemed a cause of action under which the Department or  
22 any employee or agent of the Department shall be liable  
23 for damages to the inmate.

24 (5) Whenever the Department is to release any  
25 inmate earlier than it otherwise would because of a grant  
26 of good conduct credit for meritorious service given at  
27 any time during the term, the Department shall give  
28 reasonable advance notice of the impending release to the  
29 State's Attorney of the county where the prosecution of  
30 the inmate took place.

31 (b) Whenever a person is or has been committed under  
32 several convictions, with separate sentences, the sentences  
33 shall be construed under Section 5-8-4 in granting and  
34 forfeiting of good time.

1 (c) The Department shall prescribe rules and regulations  
2 for revoking good conduct credit, or suspending or reducing  
3 the rate of accumulation of good conduct credit for specific  
4 rule violations, during imprisonment. These rules and  
5 regulations shall provide that no inmate may be penalized  
6 more than one year of good conduct credit for any one  
7 infraction.

8 When the Department seeks to revoke, suspend or reduce  
9 the rate of accumulation of any good conduct credits for an  
10 alleged infraction of its rules, it shall bring charges  
11 therefor against the prisoner sought to be so deprived of  
12 good conduct credits before the Prisoner Review Board as  
13 provided in subparagraph (a)(4) of Section 3-3-2 of this  
14 Code, if the amount of credit at issue exceeds 30 days or  
15 when during any 12 month period, the cumulative amount of  
16 credit revoked exceeds 30 days except where the infraction is  
17 committed or discovered within 60 days of scheduled release.  
18 In those cases, the Department of Corrections may revoke up  
19 to 30 days of good conduct credit. The Board may subsequently  
20 approve the revocation of additional good conduct credit, if  
21 the Department seeks to revoke good conduct credit in excess  
22 of 30 days. However, the Board shall not be empowered to  
23 review the Department's decision with respect to the loss of  
24 30 days of good conduct credit within any calendar year for  
25 any prisoner or to increase any penalty beyond the length  
26 requested by the Department.

27 The Director of the Department of Corrections, in  
28 appropriate cases, may restore up to 30 days good conduct  
29 credits which have been revoked, suspended or reduced. Any  
30 restoration of good conduct credits in excess of 30 days  
31 shall be subject to review by the Prisoner Review Board.  
32 However, the Board may not restore good conduct credit in  
33 excess of the amount requested by the Director.

34 Nothing contained in this Section shall prohibit the

1 Prisoner Review Board from ordering, pursuant to Section  
2 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of  
3 the sentence imposed by the court that was not served due to  
4 the accumulation of good conduct credit.

5 (d) If a lawsuit is filed by a prisoner in an Illinois  
6 or federal court against the State, the Department of  
7 Corrections, or the Prisoner Review Board, or against any of  
8 their officers or employees, and the court makes a specific  
9 finding that a pleading, motion, or other paper filed by the  
10 prisoner is frivolous, the Department of Corrections shall  
11 conduct a hearing to revoke up to 180 days of good conduct  
12 credit by bringing charges against the prisoner sought to be  
13 deprived of the good conduct credits before the Prisoner  
14 Review Board as provided in subparagraph (a)(8) of Section  
15 3-3-2 of this Code. If the prisoner has not accumulated 180  
16 days of good conduct credit at the time of the finding, then  
17 the Prisoner Review Board may revoke all good conduct credit  
18 accumulated by the prisoner.

19 For purposes of this subsection (d):

20 (1) "Frivolous" means that a pleading, motion, or  
21 other filing which purports to be a legal document filed  
22 by a prisoner in his or her lawsuit meets any or all of  
23 the following criteria:

24 (A) it lacks an arguable basis either in law  
25 or in fact;

26 (B) it is being presented for any improper  
27 purpose, such as to harass or to cause unnecessary  
28 delay or needless increase in the cost of  
29 litigation;

30 (C) the claims, defenses, and other legal  
31 contentions therein are not warranted by existing  
32 law or by a nonfrivolous argument for the extension,  
33 modification, or reversal of existing law or the  
34 establishment of new law;

1 (D) the allegations and other factual  
2 contentions do not have evidentiary support or, if  
3 specifically so identified, are not likely to have  
4 evidentiary support after a reasonable opportunity  
5 for further investigation or discovery; or

6 (E) the denials of factual contentions are not  
7 warranted on the evidence, or if specifically so  
8 identified, are not reasonably based on a lack of  
9 information or belief.

10 (2) "Lawsuit" means a petition for post-conviction  
11 relief under Article 122 of the Code of Criminal  
12 Procedure of 1963, a motion pursuant to Section 116-3 of  
13 the Code of Criminal Procedure of 1963, a habeas corpus  
14 action under Article X of the Code of Civil Procedure or  
15 under federal law (28 U.S.C. 2254), a petition for claim  
16 under the Court of Claims Act or an action under the  
17 federal Civil Rights Act (42 U.S.C. 1983).

18 (e) Nothing in this amendatory Act of 1998 affects the  
19 validity of Public Act 89-404.

20 (Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99;  
21 92-176, eff. 7-27-01.)

22 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

23 Sec. 5-4-3. Persons convicted of, or found delinquent  
24 for, qualifying offenses or institutionalized as sexually  
25 dangerous; blood specimens; genetic marker groups.

26 (a) Any person convicted of, found guilty under the  
27 Juvenile Court Act of 1987 for, or who received a disposition  
28 of court supervision for, a qualifying offense or attempt of  
29 a qualifying offense, or institutionalized as a sexually  
30 dangerous person under the Sexually Dangerous Persons Act, or  
31 committed as a sexually violent person under the Sexually  
32 Violent Persons Commitment Act shall, regardless of the  
33 sentence or disposition imposed, be required to submit

1 specimens of blood to the Illinois Department of State Police  
2 in accordance with the provisions of this Section, provided  
3 such person is:

4 (1) convicted of a qualifying offense or attempt of  
5 a qualifying offense on or after the effective date of  
6 this amendatory Act of 1989, and sentenced to a term of  
7 imprisonment, periodic imprisonment, fine, probation,  
8 conditional discharge or any other form of sentence, or  
9 given a disposition of court supervision for the offense,  
10 or

11 (1.5) found guilty or given supervision under the  
12 Juvenile Court Act of 1987 for a qualifying offense or  
13 attempt of a qualifying offense on or after the effective  
14 date of this amendatory Act of 1996, or

15 (2) ordered institutionalized as a sexually  
16 dangerous person on or after the effective date of this  
17 amendatory Act of 1989, or

18 (3) convicted of a qualifying offense or attempt of  
19 a qualifying offense before the effective date of this  
20 amendatory Act of 1989 and is presently confined as a  
21 result of such conviction in any State correctional  
22 facility or county jail or is presently serving a  
23 sentence of probation, conditional discharge or periodic  
24 imprisonment as a result of such conviction, or

25 (4) presently institutionalized as a sexually  
26 dangerous person or presently institutionalized as a  
27 person found guilty but mentally ill of a sexual offense  
28 or attempt to commit a sexual offense; or

29 (4.5) ordered committed as a sexually violent  
30 person on or after the effective date of the Sexually  
31 Violent Persons Commitment Act; or

32 (5) seeking transfer to or residency in Illinois  
33 under Sections 3-3-11 through 3-3-11.5 of the Unified  
34 Code of Corrections (Interstate Compact for the

1 Supervision of Parolees and Probationers) or the  
2 Interstate Agreements on Sexually Dangerous Persons Act.

3 (a-5) Any person who was otherwise convicted of or  
4 received a disposition of court supervision for any other  
5 offense under the Criminal Code of 1961 or any offense  
6 classified as a felony under Illinois law or who was found  
7 guilty or given supervision for such a violation under the  
8 Juvenile Court Act of 1987, may, regardless of the sentence  
9 imposed, be required by an order of the court to submit  
10 specimens of blood to the Illinois Department of State Police  
11 in accordance with the provisions of this Section.

12 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
13 (a)(2), and (a-5) to provide specimens of blood shall provide  
14 specimens of blood within 45 days after sentencing or  
15 disposition at a collection site designated by the Illinois  
16 Department of State Police.

17 (c) Any person required by paragraphs (a)(3), (a)(4),  
18 and (a)(4.5) to provide specimens of blood shall be required  
19 to provide such samples prior to final discharge, parole, or  
20 release at a collection site designated by the Illinois  
21 Department of State Police.

22 (c-5) Any person required by paragraph (a)(5) to provide  
23 specimens of blood shall, where feasible, be required to  
24 provide the specimens before being accepted for conditioned  
25 residency in Illinois under the interstate compact or  
26 agreement, but no later than 45 days after arrival in this  
27 State.

28 (d) The Illinois Department of State Police shall  
29 provide all equipment and instructions necessary for the  
30 collection of blood samples. The collection of samples shall  
31 be performed in a medically approved manner. Only a  
32 physician authorized to practice medicine, a registered nurse  
33 or other qualified person trained in venipuncture may  
34 withdraw blood for the purposes of this Act. The samples

1 shall thereafter be forwarded to the Illinois Department of  
2 State Police, Division of Forensic Services, for analysis and  
3 categorizing into genetic marker groupings.

4 (e) The genetic marker groupings shall be maintained by  
5 the Illinois Department of State Police, Division of Forensic  
6 Services.

7 (f) The genetic marker grouping analysis information  
8 obtained pursuant to this Act shall be confidential and shall  
9 be released only to peace officers of the United States, of  
10 other states or territories, of the insular possessions of  
11 the United States, of foreign countries duly authorized to  
12 receive the same, to all peace officers of the State of  
13 Illinois and to all prosecutorial agencies. Notwithstanding  
14 any other statutory provision to the contrary, all  
15 information obtained under this Section shall be maintained  
16 in a single State data base, which may be uploaded into a  
17 national database, and may not be subject to expungement.

18 (g) For the purposes of this Section, "qualifying  
19 offense" means any of the following:

20 (1) Any violation or inchoate violation of Section  
21 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,  
22 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or  
23 12-33 of the Criminal Code of 1961, or

24 (1.1) Any violation or inchoate violation of  
25 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,  
26 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961  
27 for which persons are convicted on or after July 1, 2001,  
28 or

29 (2) Any former statute of this State which defined  
30 a felony sexual offense, or

31 (3) Any violation of paragraph (10) of subsection  
32 (b) of Section 10-5 of the Criminal Code of 1961 when the  
33 sentencing court, upon a motion by the State's Attorney  
34 or Attorney General, makes a finding that the child

1 luring involved an intent to commit sexual penetration or  
2 sexual conduct as defined in Section 12-12 of the  
3 Criminal Code of 1961, or

4 (4) Any violation or inchoate violation of Section  
5 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,  
6 18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of  
7 1961, or

8 (5) Any violation or inchoate violation of Article  
9 29D of the Criminal Code of 1961.

10 (g-5) The Department of State Police is not required to  
11 provide equipment to collect or to accept or process blood  
12 specimens from individuals convicted of any offense listed in  
13 paragraph (1.1) or (4) of subsection (g), until acquisition  
14 of the resources necessary to process such blood specimens,  
15 or in the case of paragraph (1.1) of subsection (g) until  
16 July 1, 2003, whichever is earlier.

17 Upon acquisition of necessary resources, including an  
18 appropriation for the purpose of implementing this amendatory  
19 Act of the 91st General Assembly, but in the case of  
20 paragraph (1.1) of subsection (g) no later than July 1, 2003,  
21 the Department of State Police shall notify the Department of  
22 Corrections, the Administrative Office of the Illinois  
23 Courts, and any other entity deemed appropriate by the  
24 Department of State Police, to begin blood specimen  
25 collection from individuals convicted of offenses enumerated  
26 in paragraphs (1.1) and (4) of subsection (g) that the  
27 Department is prepared to provide collection equipment and  
28 receive and process blood specimens from individuals  
29 convicted of offenses enumerated in paragraph (1.1) of  
30 subsection (g).

31 Until the Department of State Police provides  
32 notification, designated collection agencies are not required  
33 to collect blood specimen from individuals convicted of  
34 offenses enumerated in paragraphs (1.1) and (4) of subsection



1 (g).

2 (h) The Illinois Department of State Police shall be the  
3 State central repository for all genetic marker grouping  
4 analysis information obtained pursuant to this Act. The  
5 Illinois Department of State Police may promulgate rules for  
6 the form and manner of the collection of blood samples and  
7 other procedures for the operation of this Act. The  
8 provisions of the Administrative Review Law shall apply to  
9 all actions taken under the rules so promulgated.

10 (i) A person required to provide a blood specimen shall  
11 cooperate with the collection of the specimen and any  
12 deliberate act by that person intended to impede, delay or  
13 stop the collection of the blood specimen is a Class A  
14 misdemeanor.

15 (j) Any person required by subsection (a) to submit  
16 specimens of blood to the Illinois Department of State Police  
17 for analysis and categorization into genetic marker grouping,  
18 in addition to any other disposition, penalty, or fine  
19 imposed, shall pay an analysis fee of \$500. Upon verified  
20 petition of the person, the court may suspend payment of all  
21 or part of the fee if it finds that the person does not have  
22 the ability to pay the fee.

23 (k) All analysis and categorization fees provided for by  
24 subsection (j) shall be regulated as follows:

25 (1) The State Offender DNA Identification System  
26 Fund is hereby created as a special fund in the State  
27 Treasury.

28 (2) All fees shall be collected by the clerk of the  
29 court and forwarded to the State Offender DNA  
30 Identification System Fund for deposit. The clerk of the  
31 circuit court may retain the amount of \$10 from each  
32 collected analysis fee to offset administrative costs  
33 incurred in carrying out the clerk's responsibilities  
34 under this Section.

1           (3) Fees deposited into the State Offender DNA  
2 Identification System Fund shall be used by Illinois  
3 State Police crime laboratories as designated by the  
4 Director of State Police. These funds shall be in  
5 addition to any allocations made pursuant to existing  
6 laws and shall be designated for the exclusive use of  
7 State crime laboratories. These uses may include, but  
8 are not limited to, the following:

9           (A) Costs incurred in providing analysis and  
10 genetic marker categorization as required by  
11 subsection (d).

12           (B) Costs incurred in maintaining genetic  
13 marker groupings as required by subsection (e).

14           (C) Costs incurred in the purchase and  
15 maintenance of equipment for use in performing  
16 analyses.

17           (D) Costs incurred in continuing research and  
18 development of new techniques for analysis and  
19 genetic marker categorization.

20           (E) Costs incurred in continuing education,  
21 training, and professional development of forensic  
22 scientists regularly employed by these laboratories.

23           (1) The failure of a person to provide a specimen, or of  
24 any person or agency to collect a specimen, within the 45 day  
25 period shall in no way alter the obligation of the person to  
26 submit such specimen, or the authority of the Illinois  
27 Department of State Police or persons designated by the  
28 Department to collect the specimen, or the authority of the  
29 Illinois Department of State Police to accept, analyze and  
30 maintain the specimen or to maintain or upload results of  
31 genetic marker grouping analysis information into a State or  
32 national database.

33           (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;  
34 92-40, eff. 6-29-01.)

1 Section 30. The Charitable Trust Act is amended by adding  
2 Section 16.5 as follows:

3 (760 ILCS 55/16.5 new)

4 Sec. 16.5. Terrorist acts.

5 (a) Any person or organization subject to registration  
6 under this Act, who acts to further, directly or indirectly,  
7 or uses charitable assets to conduct or further, directly or  
8 indirectly, an act or actions as set forth in Article 29D of  
9 the Criminal Code of 1961, is thereby engaged in an act or  
10 actions contrary to public policy and antithetical to  
11 charity, and all of the funds, assets, and records of the  
12 person or organization shall be subject to temporary and  
13 permanent injunction from use or expenditure and the  
14 appointment of a temporary and permanent receiver to take  
15 possession of all of the assets and related records.

16 (b) Upon a finding that a person or organization has  
17 acted or is in violation of this Section, the person or  
18 organization shall be permanently enjoined from soliciting  
19 funds from the public, holding charitable funds, or acting as  
20 a trustee or fiduciary within Illinois. Upon a finding of  
21 violation all assets and funds held by the person or  
22 organization shall be forfeited to the People of the State of  
23 Illinois or otherwise ordered by the court to be accounted  
24 for and marshaled and then delivered to charitable causes and  
25 uses within the State of Illinois by court decree.

26 (c) An ex parte action may be commenced by the Attorney  
27 General, and, upon a showing of reasonable suspicion of a  
28 violation of this Section or Article 29D of the Criminal Code  
29 of 1961, an immediate seizure of books and records and assets  
30 by the Attorney General by and through his or her assistants  
31 or investigators or the Department of State Police shall be  
32 made by order of a court to protect the public, protect the  
33 assets, and allow a full review of the records.

1       (d) A determination under this Section may be made by  
2       any court separate and apart from any criminal proceedings  
3       and the standard of proof shall be that for civil  
4       proceedings.

5       (e) Any use of charitable assets to conduct or further,  
6       directly or indirectly, an act or actions set forth in  
7       Article 29D of the Criminal Code of 1961 shall be a misuse of  
8       charitable assets and breach of fiduciary duty relative to  
9       all other Sections of this Act.

10       (720 ILCS 5/Article 29C rep.)

11       Section 95. The Criminal Code of 1961 is amended by  
12       repealing Article 29C.

13       Section 96. The provisions of this Act are severable  
14       under Section 1.31 of the Statute on Statutes.

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