

1 AN ACT in relation to interrogations.

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

4 Section 5. The Illinois Criminal Justice Information Act
5 is amended by adding Section 7.5 as follows:

6 (20 ILCS 3930/7.5 new)

7 Sec. 7.5. Grants for electronic recording equipment.

8 (a) The Authority, from appropriations made to it for
9 that purpose, shall make grants to local law enforcement
10 agencies for the purpose of purchasing equipment for
11 electronic recording of interrogations.

12 (b) The Authority shall promulgate rules to implement
13 this Section.

14 Section 10. The Illinois Police Training Act is amended
15 by adding Section 10.2 as follows:

16 (50 ILCS 705/10.2 new)

17 Sec. 10.2. Training of police officers to conduct
18 electronic interrogations. From appropriations made to it
19 for that purpose, the Board shall initiate, administer, and
20 conduct training programs for permanent police officers,
21 part-time police officers, and recruits on the methods and
22 technical aspects of conducting electronic recordings of
23 interrogations.

24 Section 15. The Juvenile Court Act of 1987 is amended by
25 adding Section 5-401.5 as follows:

26 (705 ILCS 405/5-401.5 new)

27 Sec. 5-401.5. When statements by minor may be used.

1 (a) In this Section, "custodial interrogation" means any
2 interrogation (i) during which a reasonable person in the
3 subject's position, innocent of any crime, would consider
4 himself or herself to be in custody and (ii) during which a
5 question is asked that is reasonably likely to elicit an
6 incriminating response.

7 In this Section, "electronic recording" includes motion
8 picture, audiotape, or videotape.

9 In this Section, "place of detention" means a building
10 under the control of a law enforcement agency at which
11 persons are or may be held in detention in connection with
12 criminal charges against those persons or allegations that
13 those persons are delinquent minors.

14 (b) An oral, written, or sign language statement of a
15 minor who, at the time of the commission of the offense was
16 under the age of 17 years, made as a result of a custodial
17 interrogation conducted at a police station or other place of
18 detention on or after the effective date of this amendatory
19 Act of the 92nd General Assembly shall be presumed to be
20 inadmissible as evidence against the minor in any criminal
21 proceeding or juvenile court proceeding, for an act that if
22 committed by an adult would be brought under Section 9-1,
23 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961 unless:

25 (1) counsel is present and is allowed to consult
26 with the minor during the entire custodial interrogation;

27 (2) an electronic recording is made of the
28 custodial interrogation;

29 (3) the recording is accurate and has not been
30 altered; and

31 (4) not later than the 20th day before the date of
32 any proceeding in criminal or juvenile court at which the
33 statement is to be admitted as evidence against the
34 minor, the attorney representing the minor is permitted

1 to review a true, complete, and accurate copy of all
2 recordings of the minor made under this Section.

3 (c) Every electronic recording of any statement made by a
4 minor during a custodial interrogation at a police station or
5 other place of detention must be preserved until such time as
6 the minor's adjudication for any offense relating to the
7 statement is final and all direct and habeas corpus appeals
8 are exhausted, or the prosecution of such offenses is barred
9 by law.

10 (d) If the court finds, by a preponderance of the
11 evidence, that the minor was subjected to a custodial
12 interrogation at a police station or other place of detention
13 prior to the custodial interrogation at a police station or
14 other place of detention and after the effective date of this
15 amendatory Act of the 92nd General Assembly that was the
16 subject of the electronic recording, and if that prior
17 custodial interrogation at a police station or other place of
18 detention relating to the same offense was not recorded as
19 required by this Section, then any statements made by the
20 minor during or following that non-recorded custodial
21 interrogation at a police station or other place of
22 detention, even if otherwise in compliance with this Section,
23 are presumed to be inadmissible in any criminal proceeding or
24 juvenile court proceeding against the minor except for the
25 purposes of impeachment.

26 (e) Nothing in this Section precludes the admission (i)
27 of a statement made by the minor in open court in any
28 criminal proceeding or juvenile court proceeding, before a
29 grand jury, or at a preliminary hearing, (ii) of a statement
30 made under exigent circumstances, (iii) of a spontaneous
31 statement that is not made in response to a question, (iv) of
32 a statement made during a custodial interrogation after
33 consultation with counsel by a suspect who agrees, prior to
34 making the statement, to respond to the interrogator's

1 questions only if an electronic recording is not made of the
2 statement, provided that an electronic recording is made of
3 the statement of agreeing to respond to the interrogator's
4 question, only if a recording is not made of the statement,
5 (v) of a statement made during a custodial interrogation that
6 is conducted out-of-state, or (vi) of any other statement
7 that may be admissible under law. The State shall bear the
8 burden of proving, by a preponderance of the evidence, that
9 one of the exceptions described in this subsection (e) is
10 applicable. Nothing in this Section precludes the admission
11 of a statement, otherwise inadmissible under this Section,
12 that is used only for impeachment and not as substantive
13 evidence.

14 (f) The presumption of inadmissibility of a statement
15 made by a suspect at a custodial interrogation may be
16 overcome by a preponderance of the evidence that the
17 statement was voluntarily given following consultation with
18 counsel and is reliable, based on the totality of the
19 circumstances.

20 Section 95. The State Mandates Act is amended by adding
21 Section 8.27 as follows:

22 (30 ILCS 805/8.27 new)

23 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
24 and 8 of this Act, no reimbursement by the State is required
25 for the implementation of any mandate created by this
26 amendatory Act of the 92nd General Assembly.

27 Section 99. Effective date. Sections 5, 10, and 95 of
28 this Act and this Section 99 take effect upon becoming law.
29 Section 15 of this Act takes effect one year after becoming
30 law.