

1 AN ACT in relation to terrorism.

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

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

6 (225 ILCS 460/16.5 new)

7 Sec. 16.5. Terrorist acts.

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

19 (b) An ex parte action may be commenced by the Attorney
20 General, and, upon a showing of probable cause of a violation
21 of this Section or Article 29D of the Criminal Code of 1961,
22 an immediate seizure of books and records and assets by the
23 Attorney General by and through his or her assistants or
24 investigators or the Department of State Police shall be made
25 by order of a court to protect the public, protect the
26 assets, and allow a full review of the records.

27 (c) Upon a finding by a court after a hearing that a
28 person or organization has acted or is in violation of this
29 Section, the person or organization shall be permanently
30 enjoined from soliciting funds from the public, holding
31 charitable funds, or acting as a trustee or fiduciary within

1 Illinois. Upon a finding of violation all assets and funds
2 held by the person or organization shall be forfeited to the
3 People of the State of Illinois or otherwise ordered by the
4 court to be accounted for and marshaled and then delivered to
5 charitable causes and uses within the State of Illinois by
6 court order.

7 (d) A determination under this Section may be made by
8 any court separate and apart from any criminal proceedings
9 and the standard of proof shall be that for civil
10 proceedings.

11 (e) Any knowing use of charitable assets to conduct or
12 further, directly or indirectly, an act or actions set forth
13 in Article 29D of the Criminal Code of 1961 shall be a misuse
14 of charitable assets and breach of fiduciary duty relative to
15 all other Sections of this Act.

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

18 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

19 Sec. 8. The Department of State Police has authority to
20 deny an application for or to revoke and seize a Firearm
21 Owner's Identification Card previously issued under this Act
22 only if the Department finds that the applicant or the person
23 to whom such card was issued is or was at the time of
24 issuance:

25 (a) A person under 21 years of age who has been
26 convicted of a misdemeanor other than a traffic offense or
27 adjudged delinquent;

28 (b) A person under 21 years of age who does not have the
29 written consent of his parent or guardian to acquire and
30 possess firearms and firearm ammunition, or whose parent or
31 guardian has revoked such written consent, or where such
32 parent or guardian does not qualify to have a Firearm Owner's

1 Identification Card;

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

4 (d) A person addicted to narcotics;

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

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

10 For the purposes of this Section, "mental condition"
11 means a state of mind manifested by violent, suicidal,
12 threatening or assaultive behavior.

13 (g) A person who is mentally retarded;

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

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

18 (i-5) An alien who has been admitted to the United
19 States under a non-immigrant visa (as that term is defined in
20 Section 101(a)(26) of the Immigration and Nationality Act (8
21 U.S.C. 1101(a)(26))), except that this subsection (i-5) does
22 not apply to any alien who has been lawfully admitted to the
23 United States under a non-immigrant visa if that alien is:

24 (1) admitted to the United States for lawful
25 hunting or sporting purposes;

26 (2) an official representative of a foreign
27 government who is:

28 (A) accredited to the United States Government
29 or the Government's mission to an international
30 organization having its headquarters in the United
31 States; or

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

34 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so designated
2 by the Department of State;

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

6 (5) one who has received a waiver from the Attorney
7 General of the United States pursuant to 18 U.S.C.
8 922(y)(3);

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

11 (k) A person who has been convicted within the past 5
12 years of battery, assault, aggravated assault, violation of
13 an order of protection, or a substantially similar offense in
14 another jurisdiction, in which a firearm was used or
15 possessed;

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

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

22 (n) A person who is prohibited from acquiring or
23 possessing firearms or firearm ammunition by any Illinois
24 State statute or by federal law.

25 (Source: P.A. 90-130, eff. 1-1-98; 90-493, eff. 1-1-98;
26 90-655, eff. 7-30-98; 91-694, eff. 4-13-00.)

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

30 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

31 Sec. 9-1. First degree Murder - Death penalties -
32 Exceptions - Separate Hearings - Proof - Findings - Appellate

1 procedures - Reversals.

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

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

8 (2) he knows that such acts create a strong
9 probability of death or great bodily harm to that
10 individual or another; or

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

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

17 (1) the murdered individual was a peace officer or
18 fireman killed in the course of performing his official
19 duties, to prevent the performance of his official
20 duties, or in retaliation for performing his official
21 duties, and the defendant knew or should have known that
22 the murdered individual was a peace officer or fireman;
23 or

24 (2) the murdered individual was an employee of an
25 institution or facility of the Department of Corrections,
26 or any similar local correctional agency, killed in the
27 course of performing his official duties, to prevent the
28 performance of his official duties, or in retaliation for
29 performing his official duties, or the murdered
30 individual was an inmate at such institution or facility
31 and was killed on the grounds thereof, or the murdered
32 individual was otherwise present in such institution or
33 facility with the knowledge and approval of the chief
34 administrative officer thereof; or

1 (3) the defendant has been convicted of murdering
2 two or more individuals under subsection (a) of this
3 Section or under any law of the United States or of any
4 state which is substantially similar to subsection (a) of
5 this Section regardless of whether the deaths occurred
6 as the result of the same act or of several related or
7 unrelated acts so long as the deaths were the result of
8 either an intent to kill more than one person or of
9 separate acts which the defendant knew would cause death
10 or create a strong probability of death or great bodily
11 harm to the murdered individual or another; or

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

15 (5) the defendant committed the murder pursuant to
16 a contract, agreement or understanding by which he was to
17 receive money or anything of value in return for
18 committing the murder or procured another to commit the
19 murder for money or anything of value; or

20 (6) the murdered individual was killed in the
21 course of another felony if:

22 (a) the murdered individual:

23 (i) was actually killed by the defendant,
24 or

25 (ii) received physical injuries
26 personally inflicted by the defendant
27 substantially contemporaneously with physical
28 injuries caused by one or more persons for
29 whose conduct the defendant is legally
30 accountable under Section 5-2 of this Code, and
31 the physical injuries inflicted by either the
32 defendant or the other person or persons for
33 whose conduct he is legally accountable caused
34 the death of the murdered individual; and

1 (b) in performing the acts which caused the
2 death of the murdered individual or which resulted
3 in physical injuries personally inflicted by the
4 defendant on the murdered individual under the
5 circumstances of subdivision (ii) of subparagraph
6 (a) of paragraph (6) of subsection (b) of this
7 Section, the defendant acted with the intent to kill
8 the murdered individual or with the knowledge that
9 his acts created a strong probability of death or
10 great bodily harm to the murdered individual or
11 another; and

12 (c) the other felony was one of the following:
13 armed robbery, armed violence, robbery, predatory
14 criminal sexual assault of a child, aggravated
15 criminal sexual assault, aggravated kidnapping,
16 aggravated vehicular hijacking, forcible detention,
17 arson, aggravated arson, aggravated stalking,
18 burglary, residential burglary, home invasion,
19 calculated criminal drug conspiracy as defined in
20 Section 405 of the Illinois Controlled Substances
21 Act, streetgang criminal drug conspiracy as defined
22 in Section 405.2 of the Illinois Controlled
23 Substances Act, or the attempt to commit any of the
24 felonies listed in this subsection (c); or

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

28 (8) the defendant committed the murder with intent
29 to prevent the murdered individual from testifying in any
30 criminal prosecution or giving material assistance to the
31 State in any investigation or prosecution, either against
32 the defendant or another; or the defendant committed the
33 murder because the murdered individual was a witness in
34 any prosecution or gave material assistance to the State

1 in any investigation or prosecution, either against the
2 defendant or another; or

3 (9) the defendant, while committing an offense
4 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
5 407 or 407.1 or subsection (b) of Section 404 of the
6 Illinois Controlled Substances Act, or while engaged in a
7 conspiracy or solicitation to commit such offense,
8 intentionally killed an individual or counseled,
9 commanded, induced, procured or caused the intentional
10 killing of the murdered individual; or

11 (10) the defendant was incarcerated in an
12 institution or facility of the Department of Corrections
13 at the time of the murder, and while committing an
14 offense punishable as a felony under Illinois law, or
15 while engaged in a conspiracy or solicitation to commit
16 such offense, intentionally killed an individual or
17 counseled, commanded, induced, procured or caused the
18 intentional killing of the murdered individual; or

19 (11) the murder was committed in a cold, calculated
20 and premeditated manner pursuant to a preconceived plan,
21 scheme or design to take a human life by unlawful means,
22 and the conduct of the defendant created a reasonable
23 expectation that the death of a human being would result
24 therefrom; or

25 (12) the murdered individual was an emergency
26 medical technician - ambulance, emergency medical
27 technician - intermediate, emergency medical technician -
28 paramedic, ambulance driver, or other medical assistance
29 or first aid personnel, employed by a municipality or
30 other governmental unit, killed in the course of
31 performing his official duties, to prevent the
32 performance of his official duties, or in retaliation for
33 performing his official duties, and the defendant knew or
34 should have known that the murdered individual was an

1 emergency medical technician - ambulance, emergency
2 medical technician - intermediate, emergency medical
3 technician - paramedic, ambulance driver, or other
4 medical assistance or first aid personnel; or

5 (13) the defendant was a principal administrator,
6 organizer, or leader of a calculated criminal drug
7 conspiracy consisting of a hierarchical position of
8 authority superior to that of all other members of the
9 conspiracy, and the defendant counseled, commanded,
10 induced, procured, or caused the intentional killing of
11 the murdered person; or

12 (14) the murder was intentional and involved the
13 infliction of torture. For the purpose of this Section
14 torture means the infliction of or subjection to extreme
15 physical pain, motivated by an intent to increase or
16 prolong the pain, suffering or agony of the victim; or

17 (15) the murder was committed as a result of the
18 intentional discharge of a firearm by the defendant from
19 a motor vehicle and the victim was not present within the
20 motor vehicle; or

21 (16) the murdered individual was 60 years of age or
22 older and the death resulted from exceptionally brutal or
23 heinous behavior indicative of wanton cruelty; or

24 (17) the murdered individual was a disabled person
25 and the defendant knew or should have known that the
26 murdered individual was disabled. For purposes of this
27 paragraph (17), "disabled person" means a person who
28 suffers from a permanent physical or mental impairment
29 resulting from disease, an injury, a functional disorder,
30 or a congenital condition that renders the person
31 incapable of adequately providing for his or her own
32 health or personal care; or

33 (18) the murder was committed by reason of any
34 person's activity as a community policing volunteer or to

1 prevent any person from engaging in activity as a
2 community policing volunteer; or

3 (19) the murdered individual was subject to an
4 order of protection and the murder was committed by a
5 person against whom the same order of protection was
6 issued under the Illinois Domestic Violence Act of 1986;
7 or

8 (20) the murdered individual was known by the
9 defendant to be a teacher or other person employed in any
10 school and the teacher or other employee is upon the
11 grounds of a school or grounds adjacent to a school, or
12 is in any part of a building used for school purposes;
13 or-

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

17 (c) Consideration of factors in Aggravation and
18 Mitigation.

19 The court shall consider, or shall instruct the jury to
20 consider any aggravating and any mitigating factors which are
21 relevant to the imposition of the death penalty. Aggravating
22 factors may include but need not be limited to those factors
23 set forth in subsection (b). Mitigating factors may include
24 but need not be limited to the following:

25 (1) the defendant has no significant history of
26 prior criminal activity;

27 (2) the murder was committed while the defendant
28 was under the influence of extreme mental or emotional
29 disturbance, although not such as to constitute a defense
30 to prosecution;

31 (3) the murdered individual was a participant in
32 the defendant's homicidal conduct or consented to the
33 homicidal act;

34 (4) the defendant acted under the compulsion of

1 threat or menace of the imminent infliction of death or
2 great bodily harm;

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

5 (d) Separate sentencing hearing.

6 Where requested by the State, the court shall conduct a
7 separate sentencing proceeding to determine the existence of
8 factors set forth in subsection (b) and to consider any
9 aggravating or mitigating factors as indicated in subsection
10 (c). The proceeding shall be conducted:

11 (1) before the jury that determined the defendant's
12 guilt; or

13 (2) before a jury impanelled for the purpose of the
14 proceeding if:

15 A. the defendant was convicted upon a plea of
16 guilty; or

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

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

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

23 (e) Evidence and Argument.

24 During the proceeding any information relevant to any of
25 the factors set forth in subsection (b) may be presented by
26 either the State or the defendant under the rules governing
27 the admission of evidence at criminal trials. Any
28 information relevant to any additional aggravating factors or
29 any mitigating factors indicated in subsection (c) may be
30 presented by the State or defendant regardless of its
31 admissibility under the rules governing the admission of
32 evidence at criminal trials. The State and the defendant
33 shall be given fair opportunity to rebut any information
34 received at the hearing.

1 (f) Proof.

2 The burden of proof of establishing the existence of any
3 of the factors set forth in subsection (b) is on the State
4 and shall not be satisfied unless established beyond a
5 reasonable doubt.

6 (g) Procedure - Jury.

7 If at the separate sentencing proceeding the jury finds
8 that none of the factors set forth in subsection (b) exists,
9 the court shall sentence the defendant to a term of
10 imprisonment under Chapter V of the Unified Code of
11 Corrections. If there is a unanimous finding by the jury
12 that one or more of the factors set forth in subsection (b)
13 exist, the jury shall consider aggravating and mitigating
14 factors as instructed by the court and shall determine
15 whether the sentence of death shall be imposed. If the jury
16 determines unanimously that there are no mitigating factors
17 sufficient to preclude the imposition of the death sentence,
18 the court shall sentence the defendant to death.

19 Unless the jury unanimously finds that there are no
20 mitigating factors sufficient to preclude the imposition of
21 the death sentence the court shall sentence the defendant to
22 a term of imprisonment under Chapter V of the Unified Code of
23 Corrections.

24 (h) Procedure - No Jury.

25 In a proceeding before the court alone, if the court
26 finds that none of the factors found in subsection (b)
27 exists, the court shall sentence the defendant to a term of
28 imprisonment under Chapter V of the Unified Code of
29 Corrections.

30 If the Court determines that one or more of the factors
31 set forth in subsection (b) exists, the Court shall consider
32 any aggravating and mitigating factors as indicated in
33 subsection (c). If the Court determines that there are no
34 mitigating factors sufficient to preclude the imposition of

1 the death sentence, the Court shall sentence the defendant to
2 death.

3 Unless the court finds that there are no mitigating
4 factors sufficient to preclude the imposition of the sentence
5 of death, the court shall sentence the defendant to a term of
6 imprisonment under Chapter V of the Unified Code of
7 Corrections.

8 (i) Appellate Procedure.

9 The conviction and sentence of death shall be subject to
10 automatic review by the Supreme Court. Such review shall be
11 in accordance with rules promulgated by the Supreme Court.

12 (j) Disposition of reversed death sentence.

13 In the event that the death penalty in this Act is held
14 to be unconstitutional by the Supreme Court of the United
15 States or of the State of Illinois, any person convicted of
16 first degree murder shall be sentenced by the court to a term
17 of imprisonment under Chapter V of the Unified Code of
18 Corrections.

19 In the event that any death sentence pursuant to the
20 sentencing provisions of this Section is declared
21 unconstitutional by the Supreme Court of the United States or
22 of the State of Illinois, the court having jurisdiction over
23 a person previously sentenced to death shall cause the
24 defendant to be brought before the court, and the court shall
25 sentence the defendant to a term of imprisonment under
26 Chapter V of the Unified Code of Corrections.

27 (Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99;
28 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff.
29 1-1-00.)

30 (720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

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

33 (a) Listening to radio, wireless and television

1 communications of any sort where the same are publicly made;

2 (b) Hearing conversation when heard by employees of any
3 common carrier by wire incidental to the normal course of
4 their employment in the operation, maintenance or repair of
5 the equipment of such common carrier by wire so long as no
6 information obtained thereby is used or divulged by the
7 hearer;

8 (c) Any broadcast by radio, television or otherwise
9 whether it be a broadcast or recorded for the purpose of
10 later broadcasts of any function where the public is in
11 attendance and the conversations are overheard incidental to
12 the main purpose for which such broadcasts are then being
13 made;

14 (d) Recording or listening with the aid of any device to
15 any emergency communication made in the normal course of
16 operations by any federal, state or local law enforcement
17 agency or institutions dealing in emergency services,
18 including, but not limited to, hospitals, clinics, ambulance
19 services, fire fighting agencies, any public utility,
20 emergency repair facility, civilian defense establishment or
21 military installation;

22 (e) Recording the proceedings of any meeting required to
23 be open by the Open Meetings Act, as amended;

24 (f) Recording or listening with the aid of any device to
25 incoming telephone calls of phone lines publicly listed or
26 advertised as consumer "hotlines" by manufacturers or
27 retailers of food and drug products. Such recordings must be
28 destroyed, erased or turned over to local law enforcement
29 authorities within 24 hours from the time of such recording
30 and shall not be otherwise disseminated. Failure on the part
31 of the individual or business operating any such recording or
32 listening device to comply with the requirements of this
33 subsection shall eliminate any civil or criminal immunity
34 conferred upon that individual or business by the operation

1 of this Section;

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

26 (g-5) With approval of the State's Attorney of the
27 county in which it is to occur, recording or listening with
28 the aid of any device to any conversation where a law
29 enforcement officer, or any person acting at the direction of
30 law enforcement, is a party to the conversation and has
31 consented to it being intercepted or recorded in the course
32 of an investigation of any offense defined in Article 29D of
33 this Code. In all such cases, an application for an order
34 approving the previous or continuing use of an eavesdropping

1 device must be made within 48 hours of the commencement of
2 such use. In the absence of such an order, or upon its
3 denial, any continuing use shall immediately terminate. The
4 Director of State Police shall issue rules as are necessary
5 concerning the use of devices, retention of tape recordings,
6 and reports regarding their use.

7 Any recording or evidence obtained or derived in the
8 course of an investigation of any offense defined in Article
9 29D of this Code shall, upon motion of the State's Attorney
10 or Attorney General prosecuting any violation of Article 29D,
11 be reviewed in camera with notice to all parties present by
12 the court presiding over the criminal case, and, if ruled by
13 the court to be relevant and otherwise admissible, it shall
14 be admissible at the trial of the criminal case.

15 This subsection (g-5) is inoperative on and after January
16 1, 2005. No conversations recorded or monitored pursuant to
17 this subsection (g-5) shall be inadmissible in a court of law
18 by virtue of the repeal of this subsection (g-5) on January
19 1, 2005.

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

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

34 (j) The use of a telephone monitoring device by either

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

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

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

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

27 When recording or listening authorized by this subsection
28 (j) on telephone lines used for marketing or opinion research
29 or telephone solicitation purposes results in recording or
30 listening to a conversation that does not relate to marketing
31 or opinion research or telephone solicitation; the person
32 recording or listening shall, immediately upon determining
33 that the conversation does not relate to marketing or opinion
34 research or telephone solicitation, terminate the recording

1 or listening and destroy any such recording as soon as is
2 practicable.

3 Business entities that use a telephone monitoring or
4 telephone recording system pursuant to this exemption (j)
5 shall provide current and prospective employees with notice
6 that the monitoring or recordings may occur during the course
7 of their employment. The notice shall include prominent
8 signage notification within the workplace.

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

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

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

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

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

33 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

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

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

12 (2) when, with the intent to:

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

15 (B) conceal or disguise the nature, location,
16 source, ownership, or control of property believed
17 to be the proceeds of a specified criminal activity
18 as defined by subdivision (b) (6).

19 he or she conducts or attempts to conduct a financial
20 transaction involving property he or she believes to be
21 the proceeds of specified criminal activity as defined by
22 subdivision (b) (6) or property used to conduct or
23 facilitate specified criminal activity as defined by
24 subdivision (b) (6).

25 (b) As used in this Section:

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

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

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

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

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

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

1 participating in initiating or concluding a transaction.

2 (6) "Specified criminal activity" means any
3 violation of Section 20.5-5 (720 ILCS 5/20.5-5) and any
4 violation of Article 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 An investigation may not be initiated or continued for
5 activities protected by the First Amendment to the United
6 States Constitution, including expressions of support or the
7 provision of financial support for the nonviolent political,
8 religious, philosophical, or ideological goals or beliefs of
9 any person or group.

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

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

14 (a) "Computer network" means a set of related, remotely
15 connected devices and any communications facilities including
16 more than one computer with the capability to transmit data
17 among them through communication facilities.

18 (b) "Computer" means a device that accepts, processes,
19 stores, retrieves, or outputs data, and includes, but is not
20 limited to, auxiliary storage and telecommunications devices.

21 (c) "Computer program" means a series of coded
22 instruction or statements in a form acceptable to a computer
23 which causes the computer to process data and supply the
24 results of data processing.

25 (d) "Data" means representations of information,
26 knowledge, facts, concepts or instructions, including program
27 documentation, that are prepared in a formalized manner and
28 are stored or processed in or transmitted by a computer. Data
29 may be in any form, including but not limited to magnetic or
30 optical storage media, punch cards, or data stored internally
31 in the memory of a computer.

32 (e) "Biological products used in agriculture" includes,
33 but is not limited to, seeds, plants, and DNA of plants or

1 animals altered for use in crop or livestock breeding or
2 production or which are sold, intended, designed, or produced
3 for use in crop production or livestock breeding or
4 production.

5 (f) "Agricultural products" means crops and livestock.

6 (g) "Agricultural production" means the breeding and
7 growing of livestock and crops.

8 (h) "Livestock" means animals bred or raised for human
9 consumption.

10 (i) "Crops" means plants raised for: (1) human
11 consumption, (2) fruits that are intended for human
12 consumption, (3) consumption by livestock, and (4) fruits
13 that are intended for consumption by livestock.

14 (j) "Communications systems" means any works, property,
15 or material of any radio, telegraph, telephone, microwave, or
16 cable line, station, or system.

17 (k) "Substantial damage" means monetary damage greater
18 than \$100,000.

19 (l) "Terrorist act" or "act of terrorism" means: (1) any
20 act that is intended to cause or create a risk and does cause
21 or create a risk of death or great bodily harm to one or more
22 persons; (2) any act that disables or destroys the usefulness
23 or operation of any communications system; (3) any act or any
24 series of 2 or more acts committed in furtherance of a single
25 intention, scheme, or design that disables or destroys the
26 usefulness or operation of a computer network, computers,
27 computer programs, or data used by any industry, by any class
28 of business, or by 5 or more businesses or by the federal
29 government, State government, any unit of local government, a
30 public utility, a manufacturer of pharmaceuticals, a national
31 defense contractor, or a manufacturer of chemical or
32 biological products used in or in connection with
33 agricultural production; (4) any act that disables or causes
34 substantial damage to or destruction of any structure or

1 facility used in or used in connection with ground, air, or
2 water transportation; the production or distribution of
3 electricity, gas, oil, or other fuel; the treatment of sewage
4 or the treatment or distribution of water; or controlling the
5 flow of any body of water; (5) any act that causes
6 substantial damage to or destruction of livestock or to crops
7 or a series of 2 or more acts committed in furtherance of a
8 single intention, scheme, or design which, in the aggregate,
9 causes substantial damage to or destruction of livestock or
10 crops; (6) any act that causes substantial damage to or
11 destruction of any hospital or any building or facility used
12 by the federal government, State government, any unit of
13 local government or by a national defense contractor or by a
14 public utility, a manufacturer of pharmaceuticals, a
15 manufacturer of chemical or biological products used in or in
16 connection with agricultural production or the storage or
17 processing of agricultural products or the preparation of
18 agricultural products for food or food products intended for
19 resale or for feed for livestock; or (7) any act that causes
20 substantial damage to any building containing 5 or more
21 businesses of any type or to any building in which 10 or more
22 people reside.

23 (m) "Terrorist" and "terrorist organization" means any
24 person who engages or is about to engage in a terrorist act
25 with the intent to intimidate or coerce a significant portion
26 of a civilian population.

27 (n) "Material support or resources" means currency or
28 other financial securities, financial services, lodging,
29 training, safe houses, false documentation or identification,
30 communications equipment, facilities, weapons, lethal
31 substances, explosives, personnel, transportation, any other
32 kind of physical assets or intangible property, and expert
33 services or expert assistance.

34 (o) "Person" has the meaning given in Section 2-15 of

1 this Code and, in addition to that meaning, includes, without
2 limitation, any charitable organization, whether incorporated
3 or unincorporated, any professional fund raiser, professional
4 solicitor, limited liability company, association, joint
5 stock company, association, trust, trustee, or any group of
6 people formally or informally affiliated or associated for a
7 common purpose, and any officer, director, partner, member,
8 or agent of any person.

9 (p) "Render criminal assistance" means to do any of the
10 following with the intent to prevent, hinder, or delay the
11 discovery or apprehension of, or the lodging of a criminal
12 charge against, a person who he or she knows or believes has
13 committed an offense under this Article or is being sought by
14 law enforcement officials for the commission of an offense
15 under this Article, or with the intent to assist a person in
16 profiting or benefiting from the commission of an offense
17 under this Article:

18 (1) harbor or conceal the person;

19 (2) warn the person of impending discovery or
20 apprehension;

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

24 (4) prevent or obstruct, by means of force,
25 intimidation, or deception, anyone from performing an act
26 that might aid in the discovery or apprehension of the
27 person or in the lodging of a criminal charge against the
28 person;

29 (5) suppress, by any act of concealment,
30 alteration, or destruction, any physical evidence that
31 might aid in the discovery or apprehension of the person
32 or in the lodging of a criminal charge against the
33 person;

34 (6) aid the person to protect or expeditiously

1 profit from an advantage derived from the crime; or
 2 (7) provide expert services or expert assistance to
 3 the person. Providing expert services or expert
 4 assistance shall not be construed to apply to: (1) a
 5 licensed attorney who discusses with a client the legal
 6 consequences of a proposed course of conduct or advises a
 7 client of legal or constitutional rights and (2) a
 8 licensed medical doctor who provides emergency medical
 9 treatment to a person whom he or she believes has
 10 committed an offense under this Article if, as soon as
 11 reasonably practicable either before or after providing
 12 such treatment, he or she notifies a law enforcement
 13 agency.

14 (720 ILCS 5/29D-15 new)

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

17 (a) A person is guilty of soliciting material support
 18 for terrorism if he or she knowingly raises, solicits, or
 19 collects material support or resources knowing that the
 20 material support or resources will be used, in whole or in
 21 part, to plan, prepare, carry out, or avoid apprehension for
 22 committing terrorism as defined in Section 29D-30 or causing
 23 a catastrophe as defined in Section 20.5-5 (720 ILCS
 24 5/20.5-5) of this Code, or who knows and intends that the
 25 material support or resources so raised, solicited, or
 26 collected will be used in the commission of a terrorist act
 27 as defined in Section 29D-10(1) of this Code by an
 28 organization designated under 8 U.S.C. 1189, as amended. It
 29 is not an element of the offense that the defendant actually
 30 knows that an organization has been designated under 8 U.S.C.
 31 1189, as amended.

32 (b) A person is guilty of providing material support for
 33 terrorism if he or she knowingly provides material support or

1 resources to a person knowing that the person will use that
2 support or those resources in whole or in part to plan,
3 prepare, carry out, facilitate, or to avoid apprehension for
4 committing terrorism as defined in Section 29D-30 or to cause
5 a catastrophe as defined in Section 20.5-5 (720 ILCS
6 5/20.5-5) of this Code.

7 (c) Sentence. Soliciting material support for terrorism
8 is a Class X felony for which the sentence shall be a term of
9 imprisonment of no less than 9 years and no more than 40
10 years. Providing material support for a terrorist act is a
11 Class X felony for which the sentence shall be a term of
12 imprisonment of no less than 9 years and no more than 40
13 years.

14 (720 ILCS 5/29D-20 new)

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

16 (a) A person is guilty of making a terrorist threat
17 when, with the intent to intimidate or coerce a significant
18 portion of a civilian population, he or she in any manner
19 knowingly threatens to commit or threatens to cause the
20 commission of a terrorist act as defined in Section 29D-10(1)
21 and thereby causes a reasonable expectation or fear of the
22 imminent commission of a terrorist act as defined in Section
23 29D-10(1) or of another terrorist act as defined in Section
24 29D-10(1).

25 (b) It is not a defense to a prosecution under this
26 Section that at the time the defendant made the terrorist
27 threat, unknown to the defendant, it was impossible to carry
28 out the threat, nor is it a defense that the threat was not
29 made to a person who was a subject or intended victim of the
30 threatened act.

31 (c) Sentence. Making a terrorist threat is a Class X
32 felony.

(720 ILCS 5/29D-25 new)

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

(a) A person is guilty of falsely making a terrorist threat when in any manner he or she knowingly makes a threat to commit or cause to be committed a terrorist act as defined in Section 29D-10(1) or otherwise knowingly creates the impression or belief that a terrorist act is about to be or has been committed, or in any manner knowingly makes a threat to commit or cause to be committed a catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code which he or she knows is false.

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

(720 ILCS 5/29D-30 new)

Sec. 29D-30. Terrorism.

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

(1) he or she knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code within this State; or

(2) he or she, while outside this State, knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code that takes effect within this State or produces substantial detrimental effects within this State.

(b) Sentence. Terrorism is a Class X felony. If no deaths are caused by the terrorist act, the sentence shall be a term of 20 years to natural life imprisonment; however, if the terrorist act caused the death of one or more persons, a mandatory term of natural life imprisonment shall be the sentence in the event the death penalty is not imposed.

1 (720 ILCS 5/29D-35 new)

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

3 (a) A person is guilty of hindering prosecution of
4 terrorism when he or she renders criminal assistance to a
5 person who has committed terrorism as defined in Section
6 29D-30 or caused a catastrophe, as defined in Section 20.5-5
7 of this Code when he or she knows that the person to whom he
8 or she rendered criminal assistance engaged in an act of
9 terrorism or caused a catastrophe.

10 (b) Hindering prosecution of terrorism is a Class X
11 felony, the sentence for which shall be a term of 20 years to
12 natural life imprisonment if no death was caused by the act
13 of terrorism committed by the person to whom the defendant
14 rendered criminal assistance and a mandatory term of natural
15 life imprisonment if death was caused by the act of terrorism
16 committed by the person to whom the defendant rendered
17 criminal assistance.

18 (720 ILCS 5/29D-40 new)

19 Sec. 29D-40. Restitution. In addition to any other
20 penalty that may be imposed, a court shall sentence any
21 person convicted of any violation of this Article to pay all
22 expenses incurred by the federal government, State
23 government, or any unit of local government in responding to
24 any violation and cleaning up following any violation.

25 (720 ILCS 5/29D-45 new)

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

28 (720 ILCS 5/29D-60 new)

29 Sec. 29D-60. Injunctive relief. Whenever it appears to
30 the Attorney General or any State's Attorney that any person
31 is engaged in, or is about to engage in, any act that

1 constitutes or would constitute a violation of this Article,
2 the Attorney General or any State's Attorney may initiate a
3 civil action in the circuit court to enjoin the violation.

4 (720 ILCS 5/29D-65 new)

5 Sec. 29D-65. Asset freeze, seizure, and forfeiture.

6 (a) Asset freeze, seizure, and forfeiture in connection
7 with a violation of this Article.

8 (1) Whenever it appears that there is probable
9 cause to believe that any person used, is using, is about
10 to use, or is intending to use property in any way that
11 constitutes or would constitute a violation of this
12 Article, the Attorney General or any State's Attorney may
13 make an ex parte application to the circuit court to
14 freeze or seize all the assets of that person and, upon a
15 showing of probable cause in the ex parte hearing, the
16 circuit court shall issue an order to freeze or seize all
17 assets of that person. A copy of the freeze or seize
18 order shall be served upon the person whose assets have
19 been frozen or seized and that person may, at any time
20 within 30 days of service, file a motion to release his
21 or her assets. Within 10 days that person is entitled to
22 a hearing. In any proceeding to release assets, the
23 burden of proof shall be by a preponderance of evidence
24 and shall be on the State to show that the person used,
25 was using, is about to use, or is intending to use any
26 property in any way that constitutes or would constitute
27 a violation of this Article. If the court finds that any
28 property was being used, is about to be used, or is
29 intended to be used in violation of or in any way that
30 would constitute a violation of this Article, the court
31 shall order such property frozen or held until further
32 order of the court. Any property so ordered held or
33 frozen shall be subject to forfeiture under the following

1 procedure. Upon the request of the defendant, the court
2 may release frozen or seized assets sufficient to pay
3 attorney's fees for representation of the defendant at a
4 hearing conducted under this Section.

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

1 money forfeited shall be allocated among the
2 participating law enforcement agencies in such
3 proportions as may be determined to be equitable by the
4 court entering the forfeiture order, any such property so
5 forfeited shall be received by the State's Attorney or
6 Attorney General and upon liquidation shall be allocated
7 among the participating law enforcement agencies in such
8 proportions as may be determined equitable by the court
9 entering the forfeiture order.

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

25 (b) Forfeiture of property acquired in connection with a
26 violation of this Article.

27 (1) Any person who commits any offense under this
28 Article shall forfeit, according to the provisions of
29 this Section, any moneys, profits, or proceeds, and any
30 interest or property in which the sentencing court
31 determines he or she has acquired or maintained, directly
32 or indirectly, in whole or in part, as a result of, or
33 used, was about to be used, or was intended to be used in
34 connection with the offense. The person shall also

1 forfeit any interest in, security, claim against, or
2 contractual right of any kind which affords the person a
3 source of influence over any enterprise which he or she
4 has established, operated, controlled, conducted, or
5 participated in conducting, where his or her relationship
6 to or connection with any such thing or activity directly
7 or indirectly, in whole or in part, is traceable to any
8 item or benefit which he or she has obtained or acquired
9 through an offense under this Article or which he or she
10 used, about to use, or intended to use in connection with
11 any offense under this Article. Forfeiture under this
12 Section may be pursued in addition to or in lieu of
13 proceeding under subsection (a) of this Section.

14 (2) Proceedings instituted under this subsection
15 shall be subject to and conducted in accordance with the
16 following procedures:

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

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

34 (C) In any action brought by the People of the

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

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

23 (D) Upon a conviction of a person under this
24 Article, the court shall authorize the Attorney
25 General or State's Attorney to seize and sell all
26 property or other interest declared forfeited under
27 this Article, unless the property is required by law
28 to be destroyed or is harmful to the public. The
29 court may order the Attorney General or State's
30 Attorney to segregate funds from the proceeds of the
31 sale sufficient: (1) to satisfy any order of
32 restitution, as the court may deem appropriate; (2)
33 to satisfy any legal right, title, or interest which
34 the court deems superior to any right, title, or

1 interest of the defendant at the time of the
 2 commission of the acts which gave rise to forfeiture
 3 under this subsection; or (3) to satisfy any
 4 bona-fide purchaser for value of the right, title,
 5 or interest in the property who was without
 6 reasonable notice that the property was subject to
 7 forfeiture. Following the entry of an order of
 8 forfeiture, the Attorney General or State's Attorney
 9 shall publish notice of the order and his or her
 10 intent to dispose of the property. Within 30 days
 11 following the publication, any person may petition
 12 the court to adjudicate the validity of his or her
 13 alleged interest in the property. After the
 14 deduction of all requisite expenses of
 15 administration and sale, the Attorney General or
 16 State's Attorney shall distribute the proceeds of
 17 the sale, along with any moneys forfeited or seized,
 18 among participating law enforcement agencies in such
 19 equitable portions as the court shall determine.

20 (E) No judge shall release any property or
 21 money seized under subdivision (A) or (B) for the
 22 payment of attorney's fees of any person claiming an
 23 interest in such money or property.

24 (720 ILCS 5/29D-70 new)

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

32 Section 17. The Boarding Aircraft With Weapon Act is

1 amended by changing Section 7 as follows:

2 (720 ILCS 545/7) (from Ch. 38, par. 84-7)

3 Sec. 7. Sentence. Violation of this Act is a Class 4
4 felony A-misdemeanor.

5 (Source: P.A. 82-662.)

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

11 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

12 Sec. 108-4. Issuance of search warrant.

13 (a) All warrants upon written complaint shall state the
14 time and date of issuance and be the warrants of the judge
15 issuing the same and not the warrants of the court in which
16 he is then sitting and such warrants need not bear the seal
17 of the court or clerk thereof. The complaint on which the
18 warrant is issued need not be filed with the clerk of the
19 court nor with the court if there is no clerk until the
20 warrant has been executed or has been returned "not
21 executed".

22 The search warrant upon written complaint may be issued
23 electronically or electromagnetically by use of a facsimile
24 transmission machine and any such warrant shall have the same
25 validity as a written search warrant.

26 (b) Warrant upon oral testimony.

27 (1) General rule. When the offense in connection
28 with which a search warrant is sought constitutes
29 terrorism or any related offense as defined in Article
30 29D of the Criminal Code of 1961, and if the
31 circumstances make it reasonable to dispense, in whole or

1 in part, with a written affidavit, a judge may issue a
2 warrant based upon sworn testimony communicated by
3 telephone or other appropriate means, including facsimile
4 transmission.

5 (2) Application. The person who is requesting the
6 warrant shall prepare a document to be known as a
7 duplicate original warrant and shall read such duplicate
8 original warrant, verbatim, to the judge. The judge shall
9 enter, verbatim, what is so read to the judge on a
10 document to be known as the original warrant. The judge
11 may direct that the warrant be modified.

12 (3) Issuance. If the judge is satisfied that the
13 offense in connection with which the search warrant is
14 sought constitutes terrorism or any related offense as
15 defined in Article 29D of the Criminal Code of 1961, that
16 the circumstances are such as to make it reasonable to
17 dispense with a written affidavit, and that grounds for
18 the application exist or that there is probable cause to
19 believe that they exist, the judge shall order the
20 issuance of a warrant by directing the person requesting
21 the warrant to sign the judge's name on the duplicate
22 original warrant. The judge shall immediately sign the
23 original warrant and enter on the face of the original
24 warrant the exact time when the warrant was ordered to be
25 issued. The finding of probable cause for a warrant upon
26 oral testimony may be based on the same kind of evidence
27 as is sufficient for a warrant upon affidavit.

28 (4) Recording and certification of testimony. When
29 a caller informs the judge that the purpose of the call
30 is to request a warrant, the judge shall immediately
31 place under oath each person whose testimony forms a
32 basis of the application and each person applying for
33 that warrant. If a voice recording device is available,
34 the judge shall record by means of the device all of the

1 call after the caller informs the judge that the purpose
2 of the call is to request a warrant, otherwise a
3 stenographic or longhand verbatim record shall be made.
4 If a voice recording device is used or a stenographic
5 record made, the judge shall have the record transcribed,
6 shall certify the accuracy of the transcription, and
7 shall file a copy of the original record and the
8 transcription with the court. If a longhand verbatim
9 record is made, the judge shall file a signed copy with
10 the court.

11 (5) Contents. The contents of a warrant upon oral
12 testimony shall be the same as the contents of a warrant
13 upon affidavit.

14 (6) Additional rule for execution. The person who
15 executes the warrant shall enter the exact time of
16 execution on the face of the duplicate original warrant.

17 (7) Motion to suppress based on failure to obtain a
18 written affidavit. Evidence obtained pursuant to a
19 warrant issued under this subsection (b) is not subject
20 to a motion to suppress on the ground that the
21 circumstances were not such as to make it reasonable to
22 dispense with a written affidavit, absent a finding of
23 bad faith. All other grounds to move to suppress are
24 preserved.

25 (8) This subsection (b) is inoperative on and after
26 January 1, 2005.

27 (9) No evidence obtained pursuant to this subsection
28 (b) shall be inadmissible in a court of law by virtue of
29 subdivision (8).

30 (Source: P.A. 87-523.)

31 (725 ILCS 5/108A-6) (from Ch. 38, par. 108A-6)

32 Sec. 108A-6. Emergency Exception to Procedures. (a)
33 Notwithstanding any other provisions of this Article, any

1 investigative or law enforcement officer, upon approval of a
2 State's Attorney, or without it if a reasonable effort has
3 been made to contact the appropriate State's Attorney, may
4 use an eavesdropping device in an emergency situation as
5 defined in this Section. Such use must be in accordance with
6 the provisions of this Section and may be allowed only where
7 the officer reasonably believes that an order permitting the
8 use of the device would issue were there a prior hearing.

9 An emergency situation exists when, without previous
10 notice to the law enforcement officer sufficient to obtain
11 prior judicial approval, the conversation to be overheard or
12 recorded will occur within a short period of time, the use of
13 the device is necessary for the protection of the law
14 enforcement officer or it will occur in a situation involving
15 a clear and present danger of imminent death or great bodily
16 harm to persons resulting from: (1) a kidnapping or the
17 holding of a hostage by force or the threat of the imminent
18 use of force; or (2) the occupation by force or the threat of
19 the imminent use of force of any premises, place, vehicle,
20 vessel or aircraft; or (3) any violation of Article 29D.

21 (b) In all such cases, an application for an order
22 approving the previous or continuing use of an eavesdropping
23 device must be made within 48 hours of the commencement of
24 such use. In the absence of such an order, or upon its
25 denial, any continuing use shall immediately terminate.

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

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

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

2 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

3 Sec. 108B-1. Definitions. For the purpose of this
4 Article:

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

8 (b) "Chief Judge" means, when referring to a judge
9 authorized to receive application for, and to enter orders
10 authorizing, interceptions of private ~~oral~~ communications,
11 the Chief Judge of the Circuit Court wherein the application
12 for order of interception is filed, or a Circuit Judge
13 designated by the Chief Judge to enter these orders. In
14 circuits other than the Cook County Circuit, "Chief Judge"
15 also means, when referring to a judge authorized to receive
16 application for, and to enter orders authorizing,
17 interceptions of private ~~oral~~ communications, an Associate
18 Judge authorized by Supreme Court Rule to try felony cases
19 who is assigned by the Chief Judge to enter these orders.
20 After assignment by the Chief Judge, an Associate Judge shall
21 have plenary authority to issue orders without additional
22 authorization for each specific application made to him by
23 the State's Attorney until the time the Associate Judge's
24 power is rescinded by the Chief Judge.

25 (c) "Communications common carrier" means any person
26 engaged as a common carrier ~~for-hire~~ in the transmission of
27 communications by wire or radio, not including radio
28 broadcasting.

29 (d) "Contents" includes information obtained from a
30 private ~~oral~~ communication concerning the existence,
31 substance, purport or meaning of the communication, or the
32 identity of a party of the communication.

33 (e) "Court of competent jurisdiction" means any circuit

1 court.

2 (f) "Department" means Illinois Department of State
3 Police.

4 (g) "Director" means Director of the Illinois Department
5 of State Police.

6 (g-1) "Electronic communication" means any transfer of
7 signs, signals, writing, images, sounds, data, or
8 intelligence of any nature transmitted in whole or part by a
9 wire, radio, pager, computer, or electromagnetic, photo
10 electronic, or photo optical system where the sending and
11 receiving parties intend the electronic communication to be
12 private and the interception, recording, or transcription of
13 the electronic communication is accomplished by a device in a
14 surreptitious manner contrary to the provisions of this
15 Article. "Electronic communication" does not include:

16 (1) any wire or oral communication; or

17 (2) any communication from a tracking device.

18 (h) "Electronic criminal surveillance device" or
19 "eavesdropping device" means any device or apparatus, or
20 computer program including an induction coil, that can be
21 used to intercept private communication human--speech other
22 than:

23 (1) Any telephone, telegraph or telecommunication
24 instrument, equipment or facility, or any component of
25 it, furnished to the subscriber or user by a
26 communication common carrier in the ordinary course of
27 its business, or purchased by any person and being used
28 by the subscriber, user or person in the ordinary course
29 of his business, or being used by a communications common
30 carrier in the ordinary course of its business, or by an
31 investigative or law enforcement officer in the ordinary
32 course of his duties; or

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

1 (i) "Electronic criminal surveillance officer" means any
2 law enforcement officer of the United States or of the State
3 or political subdivision of it, or of another State, or of a
4 political subdivision of it, who is certified by the Illinois
5 Department of State Police to intercept private ~~oral~~
6 communications.

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

10 (k) "Intercept" means the aural or other acquisition of
11 the contents of any private ~~oral~~ communication through the
12 use of any electronic criminal surveillance device.

13 (l) "Journalist" means a person engaged in, connected
14 with, or employed by news media, including newspapers,
15 magazines, press associations, news agencies, wire services,
16 radio, television or other similar media, for the purpose of
17 gathering, processing, transmitting, compiling, editing or
18 disseminating news for the general public.

19 (m) "Law enforcement agency" means any law enforcement
20 agency of the United States, or the State or a political
21 subdivision of it.

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

25 (o) "Private ~~oral~~ communication" means a wire, ~~or~~ oral,
26 or electronic communication uttered or transmitted by a
27 person exhibiting an expectation that the communication is
28 not subject to interception, under circumstances reasonably
29 justifying the expectation. Circumstances that reasonably
30 justify the expectation that a communication is not subject
31 to interception include the use of a cordless telephone or
32 cellular communication device.

33 (p) "Wire communication" means any human speech used to
34 communicate by one party to another in whole or in part

1 through the use of facilities for the transmission of
2 communications by wire, cable or other like connection
3 between the point of origin and the point of reception
4 furnished or operated by a communications common carrier.

5 (q) "Privileged communications" means a private oral
6 communication between:

7 (1) a licensed and practicing physician and a
8 patient within the scope of the profession of the
9 physician;

10 (2) a licensed and practicing psychologist to a
11 patient within the scope of the profession of the
12 psychologist;

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

15 (4) a practicing clergyman and a confidant within
16 the scope of the profession of the clergyman;

17 (5) a practicing journalist within the scope of his
18 profession;

19 (6) spouses within the scope of their marital
20 relationship; or

21 (7) a licensed and practicing social worker to a
22 client within the scope of the profession of the social
23 worker.

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

25 (725 ILCS 5/108B-2) (from Ch. 38, par. 108B-2)

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

27 (a) A State's Attorney may apply for an order authorizing
28 interception of private oral communications in accordance
29 with the provisions of this Article.

30 (b) The head of a law enforcement agency, including, for
31 purposes of this subsection, the acting head of such law
32 enforcement agency if the head of such agency is absent or
33 unable to serve, may request that a State's Attorney apply

1 for an order authorizing interception of private oral
2 communications in accordance with the provisions of this
3 Article.

4 Upon request of a law enforcement agency, the Department
5 may provide technical assistance to such an agency which is
6 authorized to conduct an interception.

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

8 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

9 Sec. 108B-3. Authorization for the interception of
10 private oral communication.

11 (a) The State's Attorney, or a person designated in
12 writing or by law to act for him and to perform his duties
13 during his absence or disability, may authorize, in writing,
14 an ex parte application to the chief judge of a court of
15 competent jurisdiction for an order authorizing the
16 interception of a private oral communication when no party
17 has consented to the interception and (i) the interception
18 may provide evidence of, or may assist in the apprehension of
19 a person who has committed, is committing or is about to
20 commit, a violation of Section 8-1.1 (solicitation of
21 murder), 8-1.2 (solicitation of murder for hire), 9-1 (first
22 degree murder), or 29B-1 (money laundering) of the Criminal
23 Code of 1961, Section 401, 401.1 (controlled substance
24 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of
25 the Illinois Controlled Substances Act, a violation of
26 Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4,
27 or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
28 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of
29 1961 or conspiracy to commit money laundering or conspiracy
30 to commit first degree murder; (ii) in response to a clear
31 and present danger of imminent death or great bodily harm to
32 persons resulting from: (1) a kidnapping or the holding of a
33 hostage by force or the threat of the imminent use of force;

1 or (2) the occupation by force or the threat of the imminent
2 use of force of any premises, place, vehicle, vessel or
3 aircraft; (iii) to aid an investigation or prosecution of a
4 civil action brought under the Illinois Streetgang Terrorism
5 Omnibus Prevention Act when there is probable cause to
6 believe the interception of the private oral communication
7 will provide evidence that a streetgang is committing, has
8 committed, or will commit a second or subsequent gang-related
9 offense or that the interception of the private oral
10 communication will aid in the collection of a judgment
11 entered under that Act; or (iv) upon information and belief
12 that a streetgang has committed, is committing, or is about
13 to commit a felony.

14 (b) The State's Attorney or a person designated in
15 writing or by law to act for the State's Attorney and to
16 perform his or her duties during his or her absence or
17 disability, may authorize, in writing, an ex parte
18 application to the chief judge of a circuit court for an
19 order authorizing the interception of a private communication
20 when no party has consented to the interception and the
21 interception may provide evidence of, or may assist in the
22 apprehension of a person who has committed, is committing or
23 is about to commit, a violation of an offense under Article
24 29D of the Criminal Code of 1961.

25 (b-1) Subsection (b) is inoperative on and after January
26 1, 2005.

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

30 (c) As used in this Section, "streetgang" and
31 "gang-related" have the meanings ascribed to them in Section
32 10 of the Illinois Streetgang Terrorism Omnibus Prevention
33 Act.

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

1 (725 ILCS 5/108B-4) (from Ch. 38, par. 108B-4)

2 Sec. 108B-4. Application for order of interception. (a)

3 Each application for an order of authorization to intercept a
4 private ~~oral~~ communication shall be made in writing upon oath
5 or affirmation and shall include:

6 (1) The authority of the applicant to make the
7 application;

8 (2) The identity of the electronic criminal surveillance
9 officer for whom the authority to intercept a private ~~oral~~
10 communication is sought;

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

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

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

17 (iii) The particular type of private communication to be
18 intercepted;

19 (iv) Except as provided in Section 108B-7.5, a showing
20 that there is probable cause to believe that the private
21 communication will be communicated on the particular wire or
22 electronic communication facility involved or at the
23 particular place where the oral communication is to be
24 intercepted;

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

29 (vi) The objective of the investigation;

30 (vii) A statement of the period of time for which the
31 interception is required to be maintained, and, if the
32 objective of the investigation is such that the authorization
33 for interception should not automatically terminate when the
34 described type of communication has been first obtained, a

1 particular statement of facts establishing probable cause to
2 believe that additional communications of the same type will
3 continue to occur;

4 (viii) A particular statement of facts showing that
5 other normal investigative procedures with respect to the
6 offense have been tried and have failed, or reasonably appear
7 to be unlikely to succeed if tried, or are too dangerous to
8 employ;

9 (4) Where the application is for the extension of an
10 order, a statement of facts showing the results obtained from
11 the interception, or a reasonable explanation of the failure
12 to obtain results;

13 (5) A statement of the facts concerning all previous
14 applications known to the applicant made to any court for
15 authorization to intercept a private an-oral,--electronic,--or
16 wire communication involving any of the same facilities or
17 places specified in the application or involving any person
18 whose communication is to be intercepted, and the action
19 taken by the court on each application;

20 (6) A proposed order of authorization for consideration
21 by the judge; and

22 (7) Such additional statements of facts in support of
23 the application on which the applicant may rely or as the
24 chief judge may require.

25 (b) As part of the consideration of that part of an
26 application for which there is no corroborative evidence
27 offered, the chief judge may inquire in camera as to the
28 identity of any informant or request any other additional
29 information concerning the basis upon which the State's
30 Attorney, or the head of the law enforcement agency has
31 relied in making an application or a request for application
32 for the order of authorization which the chief judge finds
33 relevant to the determination of probable cause under this
34 Article.

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

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

3 Sec. 108B-5. Requirements for order of interception.
4 Upon consideration of an application, the chief judge may
5 enter an ex parte order, as requested or as modified,
6 authorizing the interception of a private oral communication,
7 if the chief judge determines on the basis of the application
8 submitted by the applicant, that:

9 (1) There is probable cause for belief that (a) the
10 person whose private communication is to be intercepted is
11 committing, has committed, or is about to commit an offense
12 enumerated in Section 108B-3, or (b) the facilities from
13 which, or the place where, the private oral communication is
14 to be intercepted, is, has been, or is about to be used in
15 connection with the commission of the offense, or is leased
16 to, listed in the name of, or commonly used by, the person;
17 and

18 (2) There is probable cause for belief that a particular
19 private communication concerning such offense may be obtained
20 through the interception; and

21 (3) Normal investigative procedures with respect to the
22 offense have been tried and have failed or reasonably appear
23 to be unlikely to succeed if tried or too dangerous to
24 employ; and

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

28 (b) In the case of an application, other than for an
29 extension, for an order to intercept a communication of a
30 person or on a wire communication facility that was the
31 subject of a previous order authorizing interception, the
32 application shall be based upon new evidence or information
33 different from and in addition to the evidence or information

1 offered to support the prior order, regardless of whether the
2 evidence was derived from prior interceptions or from other
3 sources.

4 (c) The chief judge may authorize interception of a
5 private ~~oral~~ communication anywhere in the judicial circuit.
6 If the court authorizes the use of an eavesdropping device
7 with respect to a vehicle, watercraft, or aircraft that is
8 within the judicial circuit at the time the order is issued,
9 the order may provide that the interception may continue
10 anywhere within the State if the vehicle, watercraft, or
11 aircraft leaves the judicial circuit.

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

13 (725 ILCS 5/108B-7) (from Ch. 38, par. 108B-7)

14 Sec. 108B-7. Contents of order for use of eavesdropping
15 device. (a) Each order authorizing the interception of a
16 private ~~oral~~ communication shall state:

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

18 (2) The identity of, or a particular description of, the
19 person, if known, whose private communications are to be
20 intercepted;

21 (3) The character and location of the particular wire
22 communication facilities as to which, or the particular place
23 of the communications as to which, authority to intercept is
24 granted;

25 (4) A particular description of the type of private
26 communication to be intercepted and a statement of the
27 particular offense to which it relates;

28 (5) The identity and certification of the electronic
29 criminal surveillance officers to whom the authority to
30 intercept a private ~~oral~~ communication is given and the
31 identity of the person who authorized the application; and

32 (6) The period of time during which the interception is
33 authorized, including a statement as to whether or not the

1 interception shall automatically terminate when the described
2 communication has been first obtained.

3 (b) No order entered under this Section shall authorize
4 the interception of private ~~oral~~ communications for a period
5 of time in excess of that necessary to achieve the objective
6 of the authorization. Every order entered under this Section
7 shall require that the interception begin and terminate as
8 soon as practicable and be conducted in such a manner as to
9 minimize the interception of communications not otherwise
10 subject to interception. No order, other than for an
11 extension, entered under this Section may authorize the
12 interception of private ~~oral~~ communications for any period
13 exceeding 30 days. Extensions of an order may be granted for
14 periods of not more than 30 days. No extension shall be
15 granted unless an application for it is made in accordance
16 with Section 108B-4 and the judge makes the findings required
17 by Section 108B-5 and, where necessary, Section 108B-6.

18 (c) Whenever an order authorizing an interception is
19 entered, the order shall require reports to be made to the
20 chief judge who issued the order showing what progress has
21 been made toward achievement of the authorized objective and
22 the need for continued interception. The reports shall be
23 made at such intervals as the judge may require.

24 (d) An order authorizing the interception of a private
25 ~~oral~~ communication shall, upon request of the applicant,
26 direct that a communications common carrier, landlord, owner,
27 building operator, custodian, or other person furnish the
28 applicant forthwith all information, facilities and technical
29 assistance necessary to accomplish the interception
30 unobtrusively and with a minimum of interference with the
31 services that the carrier, owner, building operator,
32 landlord, custodian, or person is affording the person whose
33 communication is to be intercepted. The obligation of a
34 communications common carrier under the order may include

1 conducting an in-progress trace during an interception. Any
2 communications common carrier, landlord, owner, building
3 operator, custodian, or person furnishing the facilities or
4 technical assistance shall be compensated by the applicant at
5 the prevailing rates.

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

11 (1) He is required to do so by legal process; and

12 (2) He has given prior notification to the State's
13 Attorney, who has authorized the application for the order.

14 (f) An order authorizing the interception of a private
15 ~~oral~~ communication shall, upon the request of the applicant,
16 authorize the entry into the place or facilities by
17 electronic criminal surveillance officers as often as
18 necessary for the purpose of installing, maintaining or
19 removing an intercepting device where the entry is necessary
20 to conduct or complete the interception. The chief judge who
21 issues the order shall be notified of the fact of each entry
22 prior to entry, if practicable, and, in any case, within 48
23 hours of entry.

24 (g) (1) Notwithstanding any provision of this Article,
25 any chief judge of a court of competent jurisdiction to which
26 any application is made under this Article may take any
27 evidence, make any finding, or issue any order to conform the
28 proceedings or the issuance of any order to the Constitution
29 of the United States, or of any law of the United States or
30 to the Constitution of the State of Illinois or to the laws
31 of Illinois.

32 (2) When the language of this Article is the same or
33 similar to the language of Title III of P.L. 90-351 (82 Stat.
34 211 et seq., codified at, 18 U.S.C. 2510 et seq.), the courts

1 of this State in construing this Article shall follow the
2 construction given to Federal law by the United States
3 Supreme Court or United States Court of Appeals for the
4 Seventh Circuit.

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

6 (725 ILCS 5/108B-7.5 new)

7 Sec. 108B-7.5. Applicability.

8 (a) The requirements of subdivisions (a)(3)(iv) and
9 (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section
10 108B-5, and subdivision (a)(3) of Section 108B-7 of this
11 Article relating to the specification of the facilities from
12 which, or the place where, the communication is to be
13 intercepted do not apply if:

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

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

21 (B) the application contains a full and
22 complete statement as to why such specification is
23 not practical and identifies the person committing
24 the offense and whose communications are to be
25 intercepted;

26 (C) the judge finds that such specification is
27 not practical; and

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

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

33 (A) the application is by the State's

1 Attorney, or a person designated in writing or by
2 law to act for the State's Attorney and to perform
3 his or her duties during his or her absence or
4 disability;

5 (B) the application identifies the person
6 believed to be committing the offense and whose
7 communications are to be intercepted and the
8 applicant makes a showing that there is probable
9 cause to believe that the person's actions could
10 have the effect of thwarting interception from a
11 specified facility;

12 (C) the judge finds that such showing has been
13 adequately made;

14 (D) the order authorizing or approving the
15 interception is limited to interception only for
16 such time as it is reasonable to presume that the
17 person identified in the application is or was
18 reasonably proximate to the instrument through which
19 such communication will be or was transmitted; and

20 (E) the order sought is in connection with an
21 investigation of a violation of Article 29D of the
22 Criminal Code of 1961.

23 (b) An interception of a communication under an order
24 with respect to which the requirements of subdivisions
25 (a)(3)(iv) and (a)(3)(v) of Section 108B-4, subdivision
26 (1)(b) of Section 108B-5, and subdivision (a)(3) of Section
27 108B-7 of this Article do not apply by reason of this Section
28 shall not begin until the place where the communication is to
29 be intercepted is ascertained by the person implementing the
30 interception order. A provider of wire or electronic
31 communications service that has received an order as provided
32 for in subdivision (a)(2) may upon notice to the People move
33 the court to modify or quash the order on the ground that its
34 assistance with respect to the interception cannot be

1 performed in a timely or reasonable fashion. The court shall
2 decide such a motion expeditiously.

3 (725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

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

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

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

12 (3) There is probable cause to believe that a
13 substantial danger to life or limb exists justifying the
14 authorization for immediate interception of a private oral
15 communication before formal application for an order could
16 with due diligence be submitted to him and acted upon; the
17 chief judge may grant oral approval for an interception,
18 without an order, conditioned upon the filing with him,
19 within 48 hours, of an application for an order under Section
20 108B-4 which shall also recite the oral approval under this
21 Section and be retroactive to the time of the oral approval.

22 (b) Interception under oral approval under this Section
23 shall immediately terminate when the communication sought is
24 obtained or when the application for an order is denied,
25 whichever is earlier.

26 (c) In the event no formal application for an order is
27 subsequently made under this Section, the content of any
28 private oral communication intercepted under oral approval
29 under this Section shall be treated as having been obtained
30 in violation of this Article.

31 (d) In the event no application for an order is made
32 under this Section or an application made under this Section
33 is subsequently denied, the judge shall cause an inventory to

1 be served under Section 108B-11 of this Article and shall
2 require the tape or other recording of the intercepted
3 communication to be delivered to, and sealed by, the judge.
4 The evidence shall be retained by the court, and it shall not
5 be used or disclosed in any legal proceeding, except a civil
6 action brought by an aggrieved person under Section 14-6 of
7 the Criminal Code of 1961, or as otherwise authorized by the
8 order of a court of competent jurisdiction. In addition to
9 other remedies or penalties provided by law, failure to
10 deliver any tape or other recording to the chief judge shall
11 be punishable as contempt by the judge directing the
12 delivery.

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

14 (725 ILCS 5/108B-9) (from Ch. 38, par. 108B-9)

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

16 (a) Any private ~~oral~~ communication intercepted in
17 accordance with this Article shall, if practicable, be
18 recorded by tape or other comparable method. The recording
19 shall, if practicable, be done in such a way as will protect
20 it from editing or other alteration. During an interception,
21 the interception shall be carried out by an electronic
22 criminal surveillance officer or court approved designee,
23 and, if practicable, such officer shall keep a signed,
24 written record, including:

25 (1) The date and hours of surveillance;

26 (2) The time and duration of each intercepted
27 communication;

28 (3) The parties, if known, to each intercepted
29 conversation; and

30 (4) A summary of the contents of each intercepted
31 communication.

32 (b) Immediately upon the expiration of the order or its
33 extensions, the tapes and other recordings shall be

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

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

15 (725 ILCS 5/108B-10) (from Ch. 38, par. 108B-10)

16 Sec. 108B-10. Applications, orders, and custody.

17 (a) Applications made and orders granted under this
18 Article for the interception of private oral communications
19 shall be sealed by the chief judge issuing or denying them
20 and held in custody as the judge shall direct. The
21 applications and orders shall be kept for a period of 10
22 years. Destruction of the applications and orders prior to
23 the expiration of that period of time may be made only upon
24 the order of a court of competent jurisdiction. Disclosure
25 of the applications and orders may be ordered by a court of
26 competent jurisdiction on a showing of good cause.

27 (b) The electronic criminal surveillance officer shall
28 retain a copy of applications and orders for the interception
29 of private oral communications. The applications and orders
30 shall be kept for a period of 10 years. Destruction of the
31 applications and orders prior to the expiration of that
32 period of time may be made only upon an order of a court of
33 competent jurisdiction. Disclosure and use of the

1 applications and orders may be made by an electronic criminal
2 surveillance officer only in the proper performance of his
3 official duties.

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

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

8 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

9 Sec. 108B-11. Inventory.

10 (a) Within a reasonable period of time but not later than
11 90 days after the termination of the period of the order, or
12 its extensions, or the date of the denial of an application
13 made under Section 108B-8, the chief judge issuing or denying
14 the order or extension shall cause an inventory to be served
15 on any person:

16 (1) Named in the order;

17 (2) Arrested as a result of the interception of his
18 private oral communication;

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

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

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

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

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

30 (3) The period of authorized or disapproved
31 interception; and

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

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

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

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

11 (725 ILCS 5/108B-12) (from Ch. 38, par. 108B-12)

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

13 (a) If an electronic criminal surveillance officer,
14 while intercepting a private oral communication in accordance
15 with the provision of this Article, intercepts a private oral
16 communication that relates to an offense other than an
17 offense enumerated in Section 108B-3 of the Act, or relates
18 to an offense enumerated in Section 108B-3 but not specified
19 in the order of authorization, the State's Attorney, or a
20 person designated in writing or by law to act for him, may,
21 in order to permit the disclosure or use of the information
22 under Section 108B-2a of this Act, make a motion for an order
23 approving the interception. The chief judge of a court of
24 competent jurisdiction shall enter an order approving the
25 interception if he finds that at the time of the application,
26 there existed probable cause to believe that a person whose
27 private oral communication was intercepted was committing or
28 had committed an offense and the content of the communication
29 relates to that offense, and that the communication was
30 otherwise intercepted in accordance with the provisions of
31 this Article.

32 (b) An intercepted private oral communication, or
33 evidence derived from it, may not be received in evidence or

1 otherwise disclosed in an official proceeding unless each
2 aggrieved person who is a party in the official proceeding,
3 including any proceeding before a legislative, judicial,
4 administrative or other governmental agency or official
5 authorized to hear evidence under oath or other person taking
6 testimony or depositions in any such proceeding, other than a
7 grand jury, has, not less than 10 days before the official
8 proceeding, been furnished with a copy of the court order,
9 and the accompanying application, under which the
10 interception was authorized or approved. The 10 day period
11 may be waived by the presiding official if he finds that it
12 was not practicable to furnish the person with the
13 information 10 days before the proceeding, and that the
14 person will not be or has not been prejudiced by delay in
15 receiving the information.

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

- 20 (1) The communication was unlawfully intercepted;
- 21 (2) The order of authorization or approval under which
22 it was intercepted is insufficient on its face; or
- 23 (3) The interception was not made in conformity with the
24 order of authorization or approval or at the time of the
25 application there was not probable cause to believe that the
26 aggrieved person was committing or had committed the offense
27 to which the content of the private communication relates.

28 (d) If a motion under this Section duly alleges that the
29 evidence sought to be suppressed in an official proceeding,
30 including a grand jury, has been derived from an unlawfully
31 intercepted private oral communication, and if the aggrieved
32 person who is a party has not been served with notice of the
33 interception under this Section, the opponent of the
34 allegation shall, after conducting a thorough search of its

1 files, affirm or deny the occurrence of the alleged unlawful
2 interception, but no motion shall be considered if the
3 alleged unlawful interception took place more than 5 years
4 before the event to which the evidence relates.

5 (e) Where a motion is duly made under this Section prior
6 to the appearance of a witness before a grand jury, the
7 opponent of the motion may make such applications and orders
8 as it has available to the chief judge of a court of
9 competent jurisdiction in camera, and if the judge determines
10 that there is no defect in them sufficient on its face to
11 render them invalid, the judge shall inform the witness that
12 he has not been the subject of an unlawful interception. If
13 the judge determines that there is a defect in them
14 sufficient on its face to render them invalid, he shall enter
15 an order prohibiting any question being put to the witness
16 based on the unlawful interception.

17 (f) Motions under this Section shall be made prior to
18 the official proceeding unless there was no opportunity to
19 make the motion or unless the aggrieved person who is a party
20 was not aware of the grounds for the motion. Motions by
21 co-indictees shall, on motion of the People, be heard in a
22 single consolidated hearing.

23 (g) A chief judge of a court of competent jurisdiction,
24 upon the filing of a motion by an aggrieved person who is a
25 party under this Section, except before a grand jury, may
26 make available for inspection by the aggrieved person or his
27 attorney such portions of the intercepted private
28 communications, applications and orders or the evidence
29 derived from them as the judge determines to be in the
30 interest of justice.

31 (h) If a motion under this Section is granted, the
32 intercepted private oral communication, and evidence derived
33 from it, may not be received in evidence in an official
34 proceeding, including a grand jury.

1 (i) In addition to any other right of appeal, the People
2 shall have the right to appeal from an order granting a
3 motion to suppress if the official to whom the order
4 authorizing the interception was granted certifies to the
5 court that the appeal is not taken for purposes of delay.
6 The appeal shall otherwise be taken in accordance with the
7 law.

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

9 (725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)
10 Sec. 108B-14. Training.

11 (a) The Director of the Illinois Department of State
12 Police shall:

13 (1) Establish a course of training in the legal,
14 practical, and technical aspects of the interception of
15 private ~~oral~~ communications and related investigation and
16 prosecution techniques;

17 (2) Issue regulations as he finds necessary for the
18 training program;

19 (3) In cooperation with the Illinois Law
20 Enforcement Training Standards Board, set minimum
21 standards for certification and periodic recertification
22 of electronic criminal surveillance officers as eligible
23 to apply for orders authorizing the interception of
24 private ~~oral~~ communications, to conduct the
25 interceptions, and to use the private communications or
26 evidence derived from them in official proceedings; and

27 (4) In cooperation with the Illinois Law
28 Enforcement Training Standards Board, revoke or suspend
29 the certification of any electronic criminal surveillance
30 officer who has violated any law relating to electronic
31 criminal surveillance, or any of the guidelines
32 established by the Department for conducting electronic
33 criminal surveillance.

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

3 (1) Pursuant to the Illinois Police Training Act,
4 review the course of training prescribed by the
5 Department for the purpose of certification relating to
6 reimbursement of expenses incurred by local law
7 enforcement agencies participating in the electronic
8 criminal surveillance officer training process, and

9 (2) Assist the Department in establishing minimum
10 standards for certification and periodic recertification
11 of electronic criminal surveillance officers as being
12 eligible to apply for orders authorizing the interception
13 of private oral communications, to conduct the
14 interpretations, and to use the communications or
15 evidence derived from them in official proceedings.

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

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

19 (725 ILCS 215/2) (from Ch. 38, par. 1702)

20 Sec. 2. (a) County grand juries and State's Attorneys
21 have always had and shall continue to have primary
22 responsibility for investigating, indicting, and prosecuting
23 persons who violate the criminal laws of the State of
24 Illinois. However, in recent years organized terrorist
25 activity directed against innocent civilians and certain
26 criminal enterprises have developed that require
27 investigation, indictment, and prosecution on a statewide or
28 multicounty level. The criminal These enterprises exist as a
29 result of the allure of profitability present in narcotic
30 activity, the unlawful sale and transfer of firearms, and
31 streetgang related felonies and organized terrorist activity
32 is supported by the contribution of money and expert

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

25 (b) A Statewide Grand Jury may also investigate, indict,
26 and prosecute violations facilitated by the use of a computer
27 of any of the following offenses: indecent solicitation of a
28 child, sexual exploitation of a child, soliciting for a
29 juvenile prostitute, keeping a place of juvenile
30 prostitution, juvenile pimping, or child pornography.

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

32 (725 ILCS 215/3) (from Ch. 38, par. 1703)

33 Sec. 3. Written application for the appointment of a

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

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

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

19 (b)(1) that each State's Attorney with
20 jurisdiction over an offense or offenses to be
21 investigated has consented to the impaneling of the
22 Statewide Grand Jury, or

23 (2) if one or more of the State's Attorneys
24 having jurisdiction over an offense or offenses to
25 be investigated fails to consent to the impaneling
26 of the Statewide Grand Jury, the Attorney General
27 shall set forth good cause for impaneling the
28 Statewide Grand Jury.

29 If the Circuit Judge determines that the convening of a
30 Statewide Grand Jury is necessary, he or she shall convene
31 and impanel the Statewide Grand Jury with jurisdiction
32 extending throughout the State to investigate and return
33 indictments:

34 (a) For violations of any of the following or for

1 any other criminal offense committed in the course of
2 violating any of the following: Article 29D of the
3 Criminal Code of 1961, the Illinois Controlled Substances
4 Act, the Cannabis Control Act, the Narcotics Profit
5 Forfeiture Act, or the Cannabis and Controlled Substances
6 Tax Act; a streetgang related felony offense; Section
7 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4,
8 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
9 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
10 Criminal Code of 1961; or a money laundering offense;
11 provided that the violation or offense involves acts
12 occurring in more than one county of this State; and

13 (a-5) For violations facilitated by the use of a
14 computer, including the use of the Internet, the World
15 Wide Web, electronic mail, message board, newsgroup, or
16 any other commercial or noncommercial on-line service, of
17 any of the following offenses: indecent solicitation of
18 a child, sexual exploitation of a child, soliciting for a
19 juvenile prostitute, keeping a place of juvenile
20 prostitution, juvenile pimping, or child pornography; and

21 (b) For the offenses of perjury, subornation of
22 perjury, communicating with jurors and witnesses, and
23 harassment of jurors and witnesses, as they relate to
24 matters before the Statewide Grand Jury.

25 "Streetgang related" has the meaning ascribed to it in
26 Section 10 of the Illinois Streetgang Terrorism Omnibus
27 Prevention Act.

28 Upon written application by the Attorney General for the
29 convening of an additional Statewide Grand Jury, the Chief
30 Justice of the Supreme Court shall appoint a Circuit Judge
31 from the circuit for which the additional Statewide Grand
32 Jury is sought. The Circuit Judge shall determine the
33 necessity for an additional Statewide Grand Jury in
34 accordance with the provisions of this Section. No more than

1 2 Statewide Grand Juries may be empaneled at any time.
2 (Source: P.A. 91-225, eff. 1-1-00; 91-947, eff. 2-9-01.)

3 (725 ILCS 215/4) (from Ch. 38, par. 1704)

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

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

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

24 (1) Cannabis or a controlled substance which is the
25 basis for the charge of narcotics racketeering was used;
26 acquired; transferred or distributed to, from or through;
27 or any county where any act was performed to further the
28 use; acquisition, transfer or distribution of said
29 cannabis or controlled substance; or

30 (2) Any money, property, property interest, or any
31 other asset generated by narcotics activities was
32 acquired, used, sold, transferred or distributed to, from
33 or through; or,

1 (3) Any enterprise interest obtained as a result of
 2 narcotics racketeering was acquired, used, transferred or
 3 distributed to, from or through, or where any activity
 4 was conducted by the enterprise or any conduct to further
 5 the interests of such an enterprise.

6 (c) Venue for purposes of trial for the offense of money
 7 laundering shall be proper in any county where any part of a
 8 financial transaction in criminally derived property took
 9 place, or in any county where any money or monetary interest
 10 which is the basis for the offense, was acquired, used, sold,
 11 transferred or distributed to, from, or through.

12 (d) A person who commits the offense of cannabis
 13 trafficking or controlled substance trafficking may be tried
 14 in any county.

15 (e) Venue for purposes of trial for any violation of
 16 Article 29D of the Criminal Code of 1961 may be in the county
 17 in which an act of terrorism occurs, the county in which
 18 material support or resources are provided or solicited, the
 19 county in which criminal assistance is rendered, or any
 20 county in which any act in furtherance of any violation of
 21 Article 29D of the Criminal Code of 1961 occurs.

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

23 (725 ILCS 215/10) (from Ch. 38, par. 1710)

24 Sec. 10. The Attorney General shall, at the earliest
 25 opportunity, upon initiation of Grand Jury action, consult
 26 with and advise the State's Attorney of any county involved
 27 in a Statewide Grand Jury terrorist or narcotics
 28 investigation. Further, the State's Attorney may attend the
 29 Grand Jury proceedings or the trial of any party being
 30 investigated or indicted by the Statewide Grand Jury, and may
 31 assist in the prosecution, which in his or her judgment, is
 32 in the interest of the people of his or her county. Prior to
 33 granting transactional immunity to any witness before the

1 Statewide Grand Jury, any State's Attorney with jurisdiction
 2 over the offense or offenses being investigated by the
 3 Statewide Grand Jury must consent to the granting of immunity
 4 to the witness. Prior to granting use immunity to any
 5 witness before the Statewide Grand Jury, the Attorney General
 6 shall consult with any State's Attorney with jurisdiction
 7 over the offense or offenses being investigated by the
 8 Statewide Grand Jury.

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

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

12 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

14 (a) (1) The Department of Corrections shall
 15 prescribe rules and regulations for the early release on
 16 account of good conduct of persons committed to the
 17 Department which shall be subject to review by the
 18 Prisoner Review Board.

19 (2) The rules and regulations on early release
 20 shall provide, with respect to offenses committed on or
 21 after June 19, 1998, the following:

22 (i) that a prisoner who is serving a term of
 23 imprisonment for first degree murder or for the
 24 offense of terrorism shall receive no good conduct
 25 credit and shall serve the entire sentence imposed
 26 by the court;

27 (ii) that a prisoner serving a sentence for
 28 attempt to commit first degree murder, solicitation
 29 of murder, solicitation of murder for hire,
 30 intentional homicide of an unborn child, predatory
 31 criminal sexual assault of a child, aggravated
 32 criminal sexual assault, criminal sexual assault,

1 aggravated kidnapping, aggravated battery with a
2 firearm, heinous battery, aggravated battery of a
3 senior citizen, or aggravated battery of a child
4 shall receive no more than 4.5 days of good conduct
5 credit for each month of his or her sentence of
6 imprisonment; and

7 (iii) that a prisoner serving a sentence for
8 home invasion, armed robbery, aggravated vehicular
9 hijacking, aggravated discharge of a firearm, or
10 armed violence with a category I weapon or category
11 II weapon, when the court has made and entered a
12 finding, pursuant to subsection (c-1) of Section
13 5-4-1 of this Code, that the conduct leading to
14 conviction for the enumerated offense resulted in
15 great bodily harm to a victim, shall receive no more
16 than 4.5 days of good conduct credit for each month
17 of his or her sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated
19 in subdivision (a)(2) committed on or after June 19,
20 1998, and other than the offense of reckless homicide as
21 defined in subsection (e) of Section 9-3 of the Criminal
22 Code of 1961 committed on or after January 1, 1999, the
23 rules and regulations shall provide that a prisoner who
24 is serving a term of imprisonment shall receive one day
25 of good conduct credit for each day of his or her
26 sentence of imprisonment or recommitment under Section
27 3-3-9. Each day of good conduct credit shall reduce by
28 one day the prisoner's period of imprisonment or
29 recommitment under Section 3-3-9.

30 (2.2) A prisoner serving a term of natural life
31 imprisonment or a prisoner who has been sentenced to
32 death shall receive no good conduct credit.

33 (2.3) The rules and regulations on early release
34 shall provide that a prisoner who is serving a sentence

1 for reckless homicide as defined in subsection (e) of
2 Section 9-3 of the Criminal Code of 1961 committed on or
3 after January 1, 1999 shall receive no more than 4.5 days
4 of good conduct credit for each month of his or her
5 sentence of imprisonment.

6 (2.4) The rules and regulations on early release
7 shall provide with respect to the offenses of aggravated
8 battery with a machine gun or a firearm equipped with any
9 device or attachment designed or used for silencing the
10 report of a firearm or aggravated discharge of a machine
11 gun or a firearm equipped with any device or attachment
12 designed or used for silencing the report of a firearm,
13 committed on or after the effective date of this
14 amendatory Act of 1999, that a prisoner serving a
15 sentence for any of these offenses shall receive no more
16 than 4.5 days of good conduct credit for each month of
17 his or her sentence of imprisonment.

18 (2.5) The rules and regulations on early release
19 shall provide that a prisoner who is serving a sentence
20 for aggravated arson committed on or after the effective
21 date of this amendatory Act of the 92nd General Assembly
22 shall receive no more than 4.5 days of good conduct
23 credit for each month of his or her sentence of
24 imprisonment.

25 (3) The rules and regulations shall also provide
26 that the Director may award up to 180 days additional
27 good conduct credit for meritorious service in specific
28 instances as the Director deems proper; except that no
29 more than 90 days of good conduct credit for meritorious
30 service shall be awarded to any prisoner who is serving a
31 sentence for conviction of first degree murder, reckless
32 homicide while under the influence of alcohol or any
33 other drug, aggravated kidnapping, kidnapping, predatory
34 criminal sexual assault of a child, aggravated criminal

1 sexual assault, criminal sexual assault, deviate sexual
2 assault, aggravated criminal sexual abuse, aggravated
3 indecent liberties with a child, indecent liberties with
4 a child, child pornography, heinous battery, aggravated
5 battery of a spouse, aggravated battery of a spouse with
6 a firearm, stalking, aggravated stalking, aggravated
7 battery of a child, endangering the life or health of a
8 child, cruelty to a child, or narcotic racketeering.
9 Notwithstanding the foregoing, good conduct credit for
10 meritorious service shall not be awarded on a sentence of
11 imprisonment imposed for conviction of: (i) one of the
12 offenses enumerated in subdivision (a)(2) when the
13 offense is committed on or after June 19, 1998, (ii)
14 reckless homicide as defined in subsection (e) of Section
15 9-3 of the Criminal Code of 1961 when the offense is
16 committed on or after January 1, 1999, (iii) one of the
17 offenses enumerated in subdivision (a)(2.4) when the
18 offense is committed on or after the effective date of
19 this amendatory Act of 1999, or (iv) aggravated arson
20 when the offense is committed on or after the effective
21 date of this amendatory Act of the 92nd General Assembly.

22 (4) The rules and regulations shall also provide
23 that the good conduct credit accumulated and retained
24 under paragraph (2.1) of subsection (a) of this Section
25 by any inmate during specific periods of time in which
26 such inmate is engaged full-time in substance abuse
27 programs, correctional industry assignments, or
28 educational programs provided by the Department under
29 this paragraph (4) and satisfactorily completes the
30 assigned program as determined by the standards of the
31 Department, shall be multiplied by a factor of 1.25 for
32 program participation before August 11, 1993 and 1.50 for
33 program participation on or after that date. However, no
34 inmate shall be eligible for the additional good conduct

1 credit under this paragraph (4) while assigned to a boot
2 camp, mental health unit, or electronic detention, or if
3 convicted of an offense enumerated in paragraph (a)(2) of
4 this Section that is committed on or after June 19, 1998,
5 or if convicted of reckless homicide as defined in
6 subsection (e) of Section 9-3 of the Criminal Code of
7 1961 if the offense is committed on or after January 1,
8 1999, or if convicted of an offense enumerated in
9 paragraph (a)(2.4) of this Section that is committed on
10 or after the effective date of this amendatory Act of
11 1999, or first degree murder, a Class X felony, criminal
12 sexual assault, felony criminal sexual abuse, aggravated
13 criminal sexual abuse, aggravated battery with a firearm,
14 or any predecessor or successor offenses with the same or
15 substantially the same elements, or any inchoate offenses
16 relating to the foregoing offenses. No inmate shall be
17 eligible for the additional good conduct credit under
18 this paragraph (4) who (i) has previously received
19 increased good conduct credit under this paragraph (4)
20 and has subsequently been convicted of a felony, or (ii)
21 has previously served more than one prior sentence of
22 imprisonment for a felony in an adult correctional
23 facility.

24 Educational, vocational, substance abuse and
25 correctional industry programs under which good conduct
26 credit may be increased under this paragraph (4) shall be
27 evaluated by the Department on the basis of documented
28 standards. The Department shall report the results of
29 these evaluations to the Governor and the General
30 Assembly by September 30th of each year. The reports
31 shall include data relating to the recidivism rate among
32 program participants.

33 Availability of these programs shall be subject to
34 the limits of fiscal resources appropriated by the

1 General Assembly for these purposes. Eligible inmates
2 who are denied immediate admission shall be placed on a
3 waiting list under criteria established by the
4 Department. The inability of any inmate to become engaged
5 in any such programs by reason of insufficient program
6 resources or for any other reason established under the
7 rules and regulations of the Department shall not be
8 deemed a cause of action under which the Department or
9 any employee or agent of the Department shall be liable
10 for damages to the inmate.

11 (5) Whenever the Department is to release any
12 inmate earlier than it otherwise would because of a grant
13 of good conduct credit for meritorious service given at
14 any time during the term, the Department shall give
15 reasonable advance notice of the impending release to the
16 State's Attorney of the county where the prosecution of
17 the inmate took place.

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

22 (c) The Department shall prescribe rules and regulations
23 for revoking good conduct credit, or suspending or reducing
24 the rate of accumulation of good conduct credit for specific
25 rule violations, during imprisonment. These rules and
26 regulations shall provide that no inmate may be penalized
27 more than one year of good conduct credit for any one
28 infraction.

29 When the Department seeks to revoke, suspend or reduce
30 the rate of accumulation of any good conduct credits for an
31 alleged infraction of its rules, it shall bring charges
32 therefor against the prisoner sought to be so deprived of
33 good conduct credits before the Prisoner Review Board as
34 provided in subparagraph (a)(4) of Section 3-3-2 of this

1 Code, if the amount of credit at issue exceeds 30 days or
2 when during any 12 month period, the cumulative amount of
3 credit revoked exceeds 30 days except where the infraction is
4 committed or discovered within 60 days of scheduled release.
5 In those cases, the Department of Corrections may revoke up
6 to 30 days of good conduct credit. The Board may subsequently
7 approve the revocation of additional good conduct credit, if
8 the Department seeks to revoke good conduct credit in excess
9 of 30 days. However, the Board shall not be empowered to
10 review the Department's decision with respect to the loss of
11 30 days of good conduct credit within any calendar year for
12 any prisoner or to increase any penalty beyond the length
13 requested by the Department.

14 The Director of the Department of Corrections, in
15 appropriate cases, may restore up to 30 days good conduct
16 credits which have been revoked, suspended or reduced. Any
17 restoration of good conduct credits in excess of 30 days
18 shall be subject to review by the Prisoner Review Board.
19 However, the Board may not restore good conduct credit in
20 excess of the amount requested by the Director.

21 Nothing contained in this Section shall prohibit the
22 Prisoner Review Board from ordering, pursuant to Section
23 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of
24 the sentence imposed by the court that was not served due to
25 the accumulation of good conduct credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois
27 or federal court against the State, the Department of
28 Corrections, or the Prisoner Review Board, or against any of
29 their officers or employees, and the court makes a specific
30 finding that a pleading, motion, or other paper filed by the
31 prisoner is frivolous, the Department of Corrections shall
32 conduct a hearing to revoke up to 180 days of good conduct
33 credit by bringing charges against the prisoner sought to be
34 deprived of the good conduct credits before the Prisoner

1 Review Board as provided in subparagraph (a)(8) of Section
2 3-3-2 of this Code. If the prisoner has not accumulated 180
3 days of good conduct credit at the time of the finding, then
4 the Prisoner Review Board may revoke all good conduct credit
5 accumulated by the prisoner.

6 For purposes of this subsection (d):

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

11 (A) it lacks an arguable basis either in law
12 or in fact;

13 (B) it is being presented for any improper
14 purpose, such as to harass or to cause unnecessary
15 delay or needless increase in the cost of
16 litigation;

17 (C) the claims, defenses, and other legal
18 contentions therein are not warranted by existing
19 law or by a nonfrivolous argument for the extension,
20 modification, or reversal of existing law or the
21 establishment of new law;

22 (D) the allegations and other factual
23 contentions do not have evidentiary support or, if
24 specifically so identified, are not likely to have
25 evidentiary support after a reasonable opportunity
26 for further investigation or discovery; or

27 (E) the denials of factual contentions are not
28 warranted on the evidence, or if specifically so
29 identified, are not reasonably based on a lack of
30 information or belief.

31 (2) "Lawsuit" means a petition for post-conviction
32 relief under Article 122 of the Code of Criminal
33 Procedure of 1963, a motion pursuant to Section 116-3 of
34 the Code of Criminal Procedure of 1963, a habeas corpus

1 action under Article X of the Code of Civil Procedure or
2 under federal law (28 U.S.C. 2254), a petition for claim
3 under the Court of Claims Act or an action under the
4 federal Civil Rights Act (42 U.S.C. 1983).

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

7 (Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99;
8 92-176, eff. 7-27-01.)

9 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

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

13 (a) Any person convicted of, found guilty under the
14 Juvenile Court Act of 1987 for, or who received a disposition
15 of court supervision for, a qualifying offense or attempt of
16 a qualifying offense, or institutionalized as a sexually
17 dangerous person under the Sexually Dangerous Persons Act, or
18 committed as a sexually violent person under the Sexually
19 Violent Persons Commitment Act shall, regardless of the
20 sentence or disposition imposed, be required to submit
21 specimens of blood to the Illinois Department of State Police
22 in accordance with the provisions of this Section, provided
23 such person is:

24 (1) convicted of a qualifying offense or attempt of
25 a qualifying offense on or after the effective date of
26 this amendatory Act of 1989, and sentenced to a term of
27 imprisonment, periodic imprisonment, fine, probation,
28 conditional discharge or any other form of sentence, or
29 given a disposition of court supervision for the offense,
30 or

31 (1.5) found guilty or given supervision under the
32 Juvenile Court Act of 1987 for a qualifying offense or
33 attempt of a qualifying offense on or after the effective

1 date of this amendatory Act of 1996, or

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

5 (3) convicted of a qualifying offense or attempt of
6 a qualifying offense before the effective date of this
7 amendatory Act of 1989 and is presently confined as a
8 result of such conviction in any State correctional
9 facility or county jail or is presently serving a
10 sentence of probation, conditional discharge or periodic
11 imprisonment as a result of such conviction, or

12 (4) presently institutionalized as a sexually
13 dangerous person or presently institutionalized as a
14 person found guilty but mentally ill of a sexual offense
15 or attempt to commit a sexual offense; or

16 (4.5) ordered committed as a sexually violent
17 person on or after the effective date of the Sexually
18 Violent Persons Commitment Act; or

19 (5) seeking transfer to or residency in Illinois
20 under Sections 3-3-11 through 3-3-11.5 of the Unified
21 Code of Corrections (Interstate Compact for the
22 Supervision of Parolees and Probationers) or the
23 Interstate Agreements on Sexually Dangerous Persons Act.

24 (a-5) Any person who was otherwise convicted of or
25 received a disposition of court supervision for any other
26 offense under the Criminal Code of 1961 or any offense
27 classified as a felony under Illinois law or who was found
28 guilty or given supervision for such a violation under the
29 Juvenile Court Act of 1987, may, regardless of the sentence
30 imposed, be required by an order of the court to submit
31 specimens of blood to the Illinois Department of State Police
32 in accordance with the provisions of this Section.

33 (b) Any person required by paragraphs (a)(1), (a)(1.5),
34 (a)(2), and (a-5) to provide specimens of blood shall provide

1 specimens of blood within 45 days after sentencing or
2 disposition at a collection site designated by the Illinois
3 Department of State Police.

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

9 (c-5) Any person required by paragraph (a)(5) to provide
10 specimens of blood shall, where feasible, be required to
11 provide the specimens before being accepted for conditioned
12 residency in Illinois under the interstate compact or
13 agreement, but no later than 45 days after arrival in this
14 State.

15 (d) The Illinois Department of State Police shall
16 provide all equipment and instructions necessary for the
17 collection of blood samples. The collection of samples shall
18 be performed in a medically approved manner. Only a
19 physician authorized to practice medicine, a registered nurse
20 or other qualified person trained in venipuncture may
21 withdraw blood for the purposes of this Act. The samples
22 shall thereafter be forwarded to the Illinois Department of
23 State Police, Division of Forensic Services, for analysis and
24 categorizing into genetic marker groupings.

25 (e) The genetic marker groupings shall be maintained by
26 the Illinois Department of State Police, Division of Forensic
27 Services.

28 (f) The genetic marker grouping analysis information
29 obtained pursuant to this Act shall be confidential and shall
30 be released only to peace officers of the United States, of
31 other states or territories, of the insular possessions of
32 the United States, of foreign countries duly authorized to
33 receive the same, to all peace officers of the State of
34 Illinois and to all prosecutorial agencies. Notwithstanding

1 any other statutory provision to the contrary, all
2 information obtained under this Section shall be maintained
3 in a single State data base, which may be uploaded into a
4 national database, and may not be subject to expungement.

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

7 (1) Any violation or inchoate violation of Section
8 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,
9 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or
10 12-33 of the Criminal Code of 1961, or

11 (1.1) Any violation or inchoate violation of
12 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
13 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
14 for which persons are convicted on or after July 1, 2001,
15 or

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

18 (3) Any violation of paragraph (10) of subsection
19 (b) of Section 10-5 of the Criminal Code of 1961 when the
20 sentencing court, upon a motion by the State's Attorney
21 or Attorney General, makes a finding that the child
22 luring involved an intent to commit sexual penetration or
23 sexual conduct as defined in Section 12-12 of the
24 Criminal Code of 1961, or

25 (4) Any violation or inchoate violation of Section
26 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,
27 18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of
28 1961, or

29 (5) Any violation or inchoate violation of Article
30 29D of the Criminal Code of 1961.

31 (g-5) The Department of State Police is not required to
32 provide equipment to collect or to accept or process blood
33 specimens from individuals convicted of any offense listed in
34 paragraph (1.1) or (4) of subsection (g), until acquisition

1 of the resources necessary to process such blood specimens,
2 or in the case of paragraph (1.1) of subsection (g) until
3 July 1, 2003, whichever is earlier.

4 Upon acquisition of necessary resources, including an
5 appropriation for the purpose of implementing this amendatory
6 Act of the 91st General Assembly, but in the case of
7 paragraph (1.1) of subsection (g) no later than July 1, 2003,
8 the Department of State Police shall notify the Department of
9 Corrections, the Administrative Office of the Illinois
10 Courts, and any other entity deemed appropriate by the
11 Department of State Police, to begin blood specimen
12 collection from individuals convicted of offenses enumerated
13 in paragraphs (1.1) and (4) of subsection (g) that the
14 Department is prepared to provide collection equipment and
15 receive and process blood specimens from individuals
16 convicted of offenses enumerated in paragraph (1.1) of
17 subsection (g).

18 Until the Department of State Police provides
19 notification, designated collection agencies are not required
20 to collect blood specimen from individuals convicted of
21 offenses enumerated in paragraphs (1.1) and (4) of subsection
22 (g).

23 (h) The Illinois Department of State Police shall be the
24 State central repository for all genetic marker grouping
25 analysis information obtained pursuant to this Act. The
26 Illinois Department of State Police may promulgate rules for
27 the form and manner of the collection of blood samples and
28 other procedures for the operation of this Act. The
29 provisions of the Administrative Review Law shall apply to
30 all actions taken under the rules so promulgated.

31 (i) A person required to provide a blood specimen shall
32 cooperate with the collection of the specimen and any
33 deliberate act by that person intended to impede, delay or
34 stop the collection of the blood specimen is a Class A

1 misdemeanor.

2 (j) Any person required by subsection (a) to submit
3 specimens of blood to the Illinois Department of State Police
4 for analysis and categorization into genetic marker grouping,
5 in addition to any other disposition, penalty, or fine
6 imposed, shall pay an analysis fee of \$500. Upon verified
7 petition of the person, the court may suspend payment of all
8 or part of the fee if it finds that the person does not have
9 the ability to pay the fee.

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

12 (1) The State Offender DNA Identification System
13 Fund is hereby created as a special fund in the State
14 Treasury.

15 (2) All fees shall be collected by the clerk of the
16 court and forwarded to the State Offender DNA
17 Identification System Fund for deposit. The clerk of the
18 circuit court may retain the amount of \$10 from each
19 collected analysis fee to offset administrative costs
20 incurred in carrying out the clerk's responsibilities
21 under this Section.

22 (3) Fees deposited into the State Offender DNA
23 Identification System Fund shall be used by Illinois
24 State Police crime laboratories as designated by the
25 Director of State Police. These funds shall be in
26 addition to any allocations made pursuant to existing
27 laws and shall be designated for the exclusive use of
28 State crime laboratories. These uses may include, but
29 are not limited to, the following:

30 (A) Costs incurred in providing analysis and
31 genetic marker categorization as required by
32 subsection (d).

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

1 (C) Costs incurred in the purchase and
2 maintenance of equipment for use in performing
3 analyses.

4 (D) Costs incurred in continuing research and
5 development of new techniques for analysis and
6 genetic marker categorization.

7 (E) Costs incurred in continuing education,
8 training, and professional development of forensic
9 scientists regularly employed by these laboratories.

10 (1) The failure of a person to provide a specimen, or of
11 any person or agency to collect a specimen, within the 45 day
12 period shall in no way alter the obligation of the person to
13 submit such specimen, or the authority of the Illinois
14 Department of State Police or persons designated by the
15 Department to collect the specimen, or the authority of the
16 Illinois Department of State Police to accept, analyze and
17 maintain the specimen or to maintain or upload results of
18 genetic marker grouping analysis information into a State or
19 national database.

20 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;
21 92-40, eff. 6-29-01.)

22 Section 30. The Charitable Trust Act is amended by adding
23 Section 16.5 as follows:

24 (760 ILCS 55/16.5 new)

25 Sec. 16.5. Terrorist acts.

26 (a) Any person or organization subject to registration
27 under this Act, who knowingly acts to further, directly or
28 indirectly, or knowingly uses charitable assets to conduct or
29 further, directly or indirectly, an act or actions as set
30 forth in Article 29D of the Criminal Code of 1961, is thereby
31 engaged in an act or actions contrary to public policy and
32 antithetical to charity, and all of the funds, assets, and

1 records of the person or organization shall be subject to
2 temporary and permanent injunction from use or expenditure
3 and the appointment of a temporary and permanent receiver to
4 take possession of all of the assets and related records.

5 (b) An ex parte action may be commenced by the Attorney
6 General, and, upon a showing of probable cause of a violation
7 of this Section or Article 29D of the Criminal Code of 1961,
8 an immediate seizure of books and records and assets by the
9 Attorney General by and through his or her assistants or
10 investigators or the Department of State Police shall be made
11 by order of a court to protect the public, protect the
12 assets, and allow a full review of the records.

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

24 (d) A determination under this Section may be made by
25 any court separate and apart from any criminal proceedings
26 and the standard of proof shall be that for civil
27 proceedings.

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

1 Section 95. The Criminal Code of 1961 is amended by
2 repealing Article 29C.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.

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- 720 ILCS 5/14-3 from Ch. 38, par. 14-3
- 720 ILCS 5/29B-1 from Ch. 38, par. 29B-1
- 720 ILCS 5/Article 29D heading new
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- 8 730 ILCS 5/5-4-3 from Ch. 38, par. 1005-4-3
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