

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.

1 (720 ILCS 5/29D-25 new)

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

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

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

14 (720 ILCS 5/29D-30 new)

15 Sec. 29D-30. Terrorism.

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

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

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

27 (b) Sentence. Terrorism is a Class X felony. If no  
28 deaths are caused by the terrorist act, the sentence shall be  
29 a term of 20 years to natural life imprisonment; however, if  
30 the terrorist act caused the death of one or more persons, a  
31 mandatory term of natural life imprisonment shall be the  
32 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.

33 (720 ILCS 5/Article 29C rep.)

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.