

HB0172



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0172

by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112-6

from Ch. 38, par. 112-6

Amends the Code of Criminal Procedure of 1963. Provides that Grand Jury proceedings involving the investigation of the excessive use of force by a peace officer and the discharge of a firearm by a peace officer that result in death or any bodily harm are open to the public. Defines "excessive use of force" and "peace officer". Effective immediately.

LRB101 04714 SLF 49723 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112-6 as follows:

6 (725 ILCS 5/112-6) (from Ch. 38, par. 112-6)

7 Sec. 112-6. Secrecy of proceedings.→

8 (a) Except as otherwise provided in subsection (b-5) of
9 this Section, only ~~Only~~ the State's Attorney, his or her
10 reporter, and any other person authorized by the court or by
11 law may attend the sessions of the Grand Jury. Except as
12 otherwise provided in subsection (b-5) of this Section, only
13 ~~Only~~ the grand jurors shall be present during the deliberations
14 and vote of the Grand Jury. If no reporter is assigned by the
15 State's Attorney to attend the sessions of the Grand Jury, the
16 court shall appoint such reporter.

17 (b) Matters other than the deliberations and vote of any
18 grand juror shall not be disclosed by the State's Attorney,
19 except as otherwise provided for in subsections (b-5) and
20 ~~subsection~~ (c). The court may direct that a Bill of Indictment
21 be kept secret until the defendant is in custody or has given
22 bail and in either event the clerk shall seal the Bill of
23 Indictment and no person shall disclose the finding of the Bill

1 of Indictment except when necessary for the issuance and
2 execution of a warrant.

3 (b-5) Grand Jury proceedings involving the investigation
4 of the excessive use of force by a peace officer and the
5 discharge of a firearm by a peace officer that result in death
6 or any bodily harm are open to the public.

7 (c) (1) Disclosure otherwise prohibited by this Section of
8 matters occurring before the Grand Jury, other than its
9 deliberations and the vote of any grand juror, may be made to:

10 a. a State's Attorney for use in the performance of such
11 State's Attorney's duty; and

12 b. such government personnel as are deemed necessary by the
13 State's Attorney in the performance of such State's Attorney's
14 duty to enforce State criminal law.

15 (2) Any person to whom matters are disclosed under
16 paragraph (1) of this subsection (c) shall not use the Grand
17 Jury material for any purpose other than assisting the State's
18 Attorney in the performance of such State's Attorney's duty to
19 enforce State criminal law. The State's Attorney shall promptly
20 provide the court, before which was impaneled the Grand Jury
21 whose material has been disclosed, with the names of the
22 persons to whom such disclosure has been made.

23 (3) Disclosure otherwise prohibited by this Section of
24 matters occurring before the Grand Jury may also be made when
25 the court, preliminary to or in connection with a judicial
26 proceeding, directs such in the interests of justice or when a

1 law so directs.

2 (d) Any grand juror or officer of the court who discloses,
3 other than to his attorney, matters occurring before the Grand
4 Jury other than in accordance with the provisions of this
5 Section ~~subsection~~ or Section 112-7 shall be punished as a
6 contempt of court, subject to proceedings in accordance to law.

7 (e) In this Section:

8 "Excessive use of force" means force that is not
9 justified under Article 7 of the Criminal Code of 2012.

10 "Peace officer" has the meaning ascribed to it in
11 Section 2-13 of the Criminal Code of 2012.

12 (Source: P.A. 85-690.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.