



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1903

Introduced 2/26/2021, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

725 ILCS 215/2	from Ch. 38, par. 1702
725 ILCS 215/3	from Ch. 38, par. 1703
725 ILCS 215/4	from Ch. 38, par. 1704

Amends the Statewide Grand Jury Act. Expands the authority of a Statewide Grand Jury to investigate and indict offenses involving the corruption of a public official, to include theft, fraud, extortion, or a violation of the Official Misconduct and Public Contracts Article of the Criminal Code of 2012. Provides that venue for purposes of trial for any offense involving the corruption of a public official may be in any county in which any portion of the offense occurred.

LRB102 10964 RLC 16296 b

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 Statewide Grand Jury Act is amended by
5 changing Sections 2, 3, and 4 as follows:

6 (725 ILCS 215/2) (from Ch. 38, par. 1702)

7 Sec. 2. (a) County grand juries and State's Attorneys have
8 always had and shall continue to have primary responsibility
9 for investigating, indicting, and prosecuting persons who
10 violate the criminal laws of the State of Illinois. However,
11 in recent years organized terrorist activity directed against
12 innocent civilians, ~~and~~ certain criminal enterprises, and
13 public corruption have developed that require investigation,
14 indictment, and prosecution on a statewide or multicounty
15 level. The criminal enterprises exist as a result of the
16 allure of profitability present in narcotic activity, public
17 corruption, the unlawful sale and transfer of firearms, and
18 streetgang related felonies and organized terrorist activity
19 is supported by the contribution of money and expert
20 assistance from geographically diverse sources. In order to
21 shut off the life blood of terrorism and weaken or eliminate
22 the criminal enterprises, assets, and property used to further
23 these offenses must be frozen, and any profit must be removed.

1 State statutes exist that can accomplish that goal. Among them
2 are the offense of money laundering, violations of Articles
3 Article 29D, 33, and 33E of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
5 and gunrunning. Local prosecutors need investigative personnel
6 and specialized training to attack and eliminate these
7 profits. In light of the transitory and complex nature of
8 conduct that constitutes these criminal activities, the many
9 diverse property interests that may be used, acquired directly
10 or indirectly as a result of these criminal activities, and
11 the many places that illegally obtained property may be
12 located, it is the purpose of this Act to create a limited,
13 multicounty Statewide Grand Jury with authority to
14 investigate, indict, and prosecute: narcotic activity,
15 including cannabis and controlled substance trafficking,
16 narcotics racketeering, money laundering, violations of the
17 Cannabis and Controlled Substances Tax Act, and violations of
18 Articles Article 29D, 33, and 33E of the Criminal Code of 1961
19 or the Criminal Code of 2012; public corruption crimes; the
20 unlawful sale and transfer of firearms; gunrunning; and
21 streetgang related felonies.

22 (b) A Statewide Grand Jury may also investigate, indict,
23 and prosecute violations facilitated by the use of a computer
24 of any of the following offenses: indecent solicitation of a
25 child, sexual exploitation of a child, soliciting for a
26 juvenile prostitute, keeping a place of juvenile prostitution,

1 juvenile pimping, child pornography, aggravated child
2 pornography, or promoting juvenile prostitution except as
3 described in subdivision (a)(4) of Section 11-14.4 of the
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 (Source: P.A. 101-593, eff. 12-4-19.)

6 (725 ILCS 215/3) (from Ch. 38, par. 1703)

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

16 In such application the Attorney General shall state that
17 the convening of a Statewide Grand Jury is necessary because
18 of an alleged offense or offenses set forth in this Section
19 involving more than one county of the State and identifying
20 any such offense alleged; and

21 (a) that he or she believes that the grand jury
22 function for the investigation and indictment of the
23 offense or offenses cannot effectively be performed by a
24 county grand jury together with the reasons for such
25 belief, and

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

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

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

14 (a) For violations of any of the following or for any
15 other criminal offense committed in the course of
16 violating any of the following: Article 29D of the
17 Criminal Code of 1961 or the Criminal Code of 2012, the
18 Illinois Controlled Substances Act, the Cannabis Control
19 Act, the Methamphetamine Control and Community Protection
20 Act, or the Narcotics Profit Forfeiture Act; a streetgang
21 related felony offense; Section 24-2.1, 24-2.2, 24-3,
22 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
23 24-1(a) (4), 24-1(a) (6), 24-1(a) (7), 24-1(a) (9),
24 24-1(a) (10), or 24-1(c) of the Criminal Code of 1961 or
25 the Criminal Code of 2012; or a money laundering offense;
26 provided that the violation or offense involves acts

1 occurring in more than one county of this State; and

2 (a-5) For violations facilitated by the use of a
3 computer, including the use of the Internet, the World
4 Wide Web, electronic mail, message board, newsgroup, or
5 any other commercial or noncommercial on-line service, of
6 any of the following offenses: indecent solicitation of a
7 child, sexual exploitation of a child, soliciting for a
8 juvenile prostitute, keeping a place of juvenile
9 prostitution, juvenile pimping, child pornography,
10 aggravated child pornography, or promoting juvenile
11 prostitution except as described in subdivision (a) (4) of
12 Section 11-14.4 of the Criminal Code of 1961 or the
13 Criminal Code of 2012; and

14 (a-6) For violations of offenses involving the
15 corruption of a public official, including theft, fraud,
16 extortion or a violation of Article 33 or 33E of the
17 Criminal Code of 1961 or the Criminal Code of 2012; and

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

22 "Streetgang related" has the meaning ascribed to it in
23 Section 10 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act.

25 Upon written application by the Attorney General for the
26 convening of an additional Statewide Grand Jury, the Chief

1 Justice of the Supreme Court shall appoint a Circuit Judge
2 from the circuit for which the additional Statewide Grand Jury
3 is sought. The Circuit Judge shall determine the necessity for
4 an additional Statewide Grand Jury in accordance with the
5 provisions of this Section. No more than 2 Statewide Grand
6 Juries may be empaneled at any time.

7 (Source: P.A. 101-593, eff. 12-4-19.)

8 (725 ILCS 215/4) (from Ch. 38, par. 1704)

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

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

1 set venue for trial.

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

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

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

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

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

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

1 in any county.

2 (e) Venue for purposes of trial for any violation of
3 Article 29D of the Criminal Code of 1961 or the Criminal Code
4 of 2012 may be in the county in which an act of terrorism
5 occurs, the county in which material support or resources are
6 provided or solicited, the county in which criminal assistance
7 is rendered, or any county in which any act in furtherance of
8 any violation of Article 29D of the Criminal Code of 1961 or
9 the Criminal Code of 2012 occurs.

10 (f) Venue for purposes of trial for any offense involving
11 the corruption of a public official may be in any county in
12 which any portion of the offense occurred.

13 (Source: P.A. 97-1150, eff. 1-25-13.)