



Rep. Justin Slaughter

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10300HB5346ham003

LRB103 38554 RLC 72545 a

1 AMENDMENT TO HOUSE BILL 5346

2 AMENDMENT NO. _____. Amend House Bill 5346, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 adding Section 5-401.7 as follows:

7 (705 ILCS 405/5-401.7 new)

8 Sec. 5-401.7. Inadmissibility of unreliable statements by
9 defendants.

10 (a) In this Section:

11 "Custodial interrogation" means any interrogation (i)
12 during which a reasonable person in the subject's position
13 would consider himself or herself to be in custody and (ii)
14 during which a question is asked that is reasonably likely to
15 elicit an incriminating response.

16 "Place of detention" means a building or a police station

1 that is a place of operation for a municipal police department
2 or county sheriff's department or other law enforcement agency
3 at which persons are or may be held in detention in connection
4 with criminal charges against those persons or allegations
5 that those persons are delinquent minors.

6 (b) Unreliable statements to law enforcement made during a
7 custodial interrogation conducted at a police station or other
8 place of detention by a defendant are inadmissible at trial in
9 any criminal court proceeding or juvenile court proceeding for
10 the prosecution of a homicide.

11 (c) In any proceeding under this Section, the prosecution
12 shall timely disclose prior to any relevant evidentiary
13 hearing or trial its intent to introduce a statement made
14 during a custodial interrogation conducted at a place of
15 detention. At that time, the prosecution must tender any
16 electronic recordings of the statement and any documents
17 relating to the circumstances under which the statement was
18 obtained and any other evidence the State intends to rely upon
19 to determine the statement's reliability.

20 (d) Before trial, a defendant may move to exclude a
21 statement alleged to be unreliable. The defendant shall
22 specifically identify the statement or statements alleged to
23 be unreliable.

24 (e) At the hearing, it shall be the burden of the
25 prosecutor to prove by a preponderance of the evidence that
26 the statement is reliable.

1 (f) When deciding a statement's reliability, a court
2 should consider:

3 (1) whether the details in the statement fit with the
4 evidence known before the interrogation, especially
5 details that describe unusual or not easily guessed facts
6 of the crime that had not been made public;

7 (2) whether the statement provides any new details or
8 any new evidence not known before the interrogation that
9 can be independently corroborated after the interrogation;

10 (3) whether facts of the crime were disclosed to the
11 defendant rather than originated with the defendant;

12 (4) whether the defendant recanted the defendant's
13 statement at any time and the circumstances of that
14 recantation;

15 (5) whether the statement was electronically recorded;
16 and

17 (6) any other information relevant to the reliability
18 of the statement.

19 Section 10. The Code of Criminal Procedure of 1963 is
20 amended by adding Section 103-2.3 as follows:

21 (725 ILCS 5/103-2.3 new)

22 Sec. 103-2.3. Inadmissibility of unreliable statements by
23 defendants.

24 (a) In this Section:

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

6 "Place of detention" means a building or a police station
7 that is a place of operation for a municipal police department
8 or county sheriff's department or other law enforcement agency
9 at which persons are or may be held in detention in connection
10 with criminal charges against those persons or allegations
11 that those persons are delinquent minors.

12 (b) Unreliable statements to law enforcement made during a
13 custodial interrogation conducted at a police station or other
14 place of detention by a defendant are inadmissible at trial in
15 any criminal court proceeding or juvenile court proceeding for
16 the prosecution of a homicide.

17 (c) In any proceeding under this Section, the prosecution
18 shall timely disclose prior to any relevant evidentiary
19 hearing or trial its intent to introduce a statement made
20 during a custodial interrogation conducted at a place of
21 detention. At that time, the prosecution must tender any
22 electronic recordings of the statement and any documents
23 relating to the circumstances under which the statement was
24 obtained and any other evidence the State intends to rely upon
25 to determine the statement's reliability.

26 (d) Before trial, a defendant may move to exclude a

1 statement alleged to be unreliable. The defendant shall
2 specifically identify the statement or statements alleged to
3 be unreliable.

4 (e) At the hearing, it shall be the burden of the
5 prosecutor to prove by a preponderance of the evidence that
6 the statement is reliable.

7 (f) When deciding a statement's reliability, a court
8 should consider:

9 (1) whether the details in the statement fit with the
10 evidence known before the interrogation, especially
11 details that describe unusual or not easily guessed facts
12 of the crime that had not been made public;

13 (2) whether the statement provides any new details or
14 any new evidence not known before the interrogation that
15 can be independently corroborated after the interrogation;

16 (3) whether facts of the crime were disclosed to the
17 defendant rather than originated with the defendant;

18 (4) whether the defendant recanted the defendant's
19 statement at any time and the circumstances of that
20 recantation;

21 (5) whether the statement was electronically recorded;
22 and

23 (6) any other information relevant to the reliability
24 of the statement."