

1 AMENDMENT TO HOUSE BILL 416

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 416 as follows:

3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Code of Criminal Procedure of 1963 is  
6 amended by adding Article 107A as follows:

7 (725 ILCS 5/Art. 107A heading new)

8 ARTICLE 107A. PILOT STUDY ON SEQUENTIAL LINEUP PROCEDURES

9 (725 ILCS 5/107A-5 new)

10 Sec. 107A-5. Legislative intent. Whereas the goal of a  
11 police investigation is to apprehend the person or persons  
12 responsible for committing a crime, and whereas studies have  
13 shown that the sequential method for photo and live lineups  
14 increases the accuracy of positive identifications, it is  
15 useful to conduct a pilot study in the field on the  
16 effectiveness of the sequential method for lineup procedures.

17 (725 ILCS 5/107A-10 new)

18 Sec. 107A-10. Establishment of pilot jurisdictions. The  
19 Department of State Police shall select 3 police departments

1 to participate in a one-year pilot study on the effectiveness  
2 of the sequential lineup method for photo and live lineup  
3 procedures. One such pilot jurisdiction shall be a police  
4 district within a police department in a municipality whose  
5 population is at least 500,000 residents; one such pilot  
6 jurisdiction shall be a police department in a municipality  
7 whose population is at least 100,000 but less than 500,000;  
8 and one such pilot jurisdiction shall be a police department  
9 in a municipality whose population is less than 100,000. All  
10 such pilot jurisdictions shall be selected no later than  
11 January 1, 2004.

12 (725 ILCS 5/107A-15 new)

13 Sec. 107A-15. Sequential lineup procedures in pilot  
14 jurisdictions.

15 (a) For any offense alleged to have been committed in a  
16 pilot jurisdiction on or after January 1, 2004, the lineup  
17 identification procedure shall be presented in the sequential  
18 method in which a witness is shown lineup participants one at  
19 a time, using the following procedures:

20 (1) The witness shall be requested to state whether  
21 the individual shown is the perpetrator of the crime  
22 prior to viewing the next lineup participant. Only one  
23 member of the lineup shall be a suspect and the remainder  
24 shall be "fillers" who are not suspects but fit the  
25 general description of the suspect;

26 (2) The lineup administrator shall be someone who is  
27 not aware of which member of the lineup is the suspect in  
28 the case; and

29 (3) Prior to presenting the lineup using the  
30 sequential method the lineup administrator shall:

31 (i) Inform the witness that the perpetrator may  
32 or may not be among those shown, and the witness  
33 should not feel compelled to make an identification;

1           (ii) Inform the witness that he or she will  
2 view individuals one at a time and will be requested  
3 to state whether the individual shown is the  
4 perpetrator of the crime, prior to viewing the next  
5 lineup participant; and

6           (iii) Ask the witness to state in his or her  
7 own words how sure he or she is that the person  
8 identified is the actual suspect, and make the  
9 witness's words part of the record.

10       (c) This Section applies to any live lineups that are  
11 composed and presented at a police station and to all photo  
12 lineups regardless of where presented; provided that this  
13 Section does not apply in police investigations in which a  
14 spontaneous identification is possible and no lineup  
15 procedure is being used.

16       (d) This Section does not affect the right to counsel  
17 afforded by the U.S. or Illinois Constitutions or State law  
18 at any stage of a criminal proceeding.

19       (725 ILCS 5/107A-20 new)

20       Sec. 107A-20. Training. The Department of State Police  
21 shall offer training to police officers and any other  
22 appropriate personnel on the sequential method of conducting  
23 lineup procedures in the pilot jurisdictions and the  
24 requirements of this Section. The Department of State Police  
25 may seek funding for training from the Illinois Criminal  
26 Justice Information Authority and the Illinois Law  
27 Enforcement Training Standards Board if necessary.

28       (725 ILCS 5/107A-25 new)

29       Sec. 107A-25. Report on the pilot study. The Department  
30 of State Police shall gather information from each of the  
31 police departments selected as a pilot jurisdiction with  
32 respect to the effectiveness of the sequential method for

1 lineup procedures and shall file a report of its findings  
2 with the Governor and the General Assembly no later than  
3 April 1, 2005.

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