

1 AMENDMENT TO HOUSE BILL 576

2 AMENDMENT NO. _____. Amend House Bill 576, AS AMENDED,
3 with reference to the page and line numbers of Senate
4 Amendment No. 1, on page 3, line 32, by changing "may" to
5 "shall"; and

6 on page 15 by inserting between lines 22 and 23 the
7 following:

8 "Section 10. If and only if Senate Bill 472 of the 93rd
9 General Assembly becomes law by the override of the
10 Governor's amendatory veto, the Code of Criminal Procedure of
11 1963 is amended by changing Section 107A-10 as follows:

12 (725 ILCS 5/107A-10)

13 Sec. 107A-10. Pilot study on sequential lineup
14 procedures.

15 (a) Legislative intent. Because the goal of a police
16 investigation is to apprehend the person or persons
17 responsible for committing a crime, it is useful to conduct a
18 pilot study in the field on the effectiveness of the
19 sequential method for lineup procedures.

20 (b) Establishment of pilot jurisdictions. The Department
21 of State Police shall select 3 police departments to

1 participate in a one-year pilot study on the effectiveness of
2 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 July
11 January 1, 2004.

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

18 (1) The witness shall be requested to state whether
19 the individual shown is the perpetrator of the crime
20 prior to viewing the next lineup participant. Only one
21 member of the lineup shall be a suspect and the remainder
22 shall be "fillers" who are not suspects but fit the
23 general description of the offender without the suspect
24 unduly standing out;

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

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

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

33 (B) Inform the witness that he or she will
34 view individuals one at a time and will be requested

1 to state whether the individual shown is the
2 perpetrator of the crime, prior to viewing the next
3 lineup participant; and

4 (C) Ask the witness to state in his or her own
5 words how sure he or she is that the person
6 identified is the actual offender. During the
7 statement, or as soon thereafter as reasonably
8 possible, the witness's actual words shall be
9 documented.

10 (d) Application. This Section applies to selected live
11 lineups that are composed and presented at a police station
12 and to selected photo lineups regardless of where presented;
13 provided that this Section does not apply in police
14 investigations in which a spontaneous identification is
15 possible and no lineup procedure is being used. This Section
16 does not affect the right to counsel afforded by the U.S. or
17 Illinois Constitutions or State law at any stage of a
18 criminal proceeding.

19 (e) Selection of lineups. The participating
20 jurisdictions shall develop a protocol for the selection and
21 administration of lineups which is practical, designed to
22 elicit information for comparative evaluation purposes, and
23 is consistent with objective scientific research methodology.

24 (f) Training and administrators. The Department of State
25 Police shall offer training to police officers and any other
26 appropriate personnel on the sequential method of conducting
27 lineup procedures in the pilot jurisdictions and the
28 requirements of this Section. The Department of State Police
29 may seek funding for training and administration from the
30 Illinois Criminal Justice Information Authority and the
31 Illinois Law Enforcement Training Standards Board if
32 necessary.

33 (g) Report on the pilot study. The Department of State
34 Police shall gather information from each of the

1 participating police departments selected as a pilot
2 jurisdiction with respect to the effectiveness of the
3 sequential method for lineup procedures and shall file a
4 report of its findings with the Governor and the General
5 Assembly no later than ~~September~~ April 1, 2005.

6 (Source: 93SB472enr.); and

7 on page 15, line 25, by inserting after "Assembly" the
8 following:

9 "and the provisions of Section 107A-10 of the Code of
10 Criminal Procedure of 1963 made by this amendatory Act of the
11 93rd General Assembly"; and

12 on page 15, line 26, by inserting after "Act" the following:

13 "and the provisions of Section 107A-10 of the Code of
14 Criminal Procedures of 1963 added".