

1 AN ACT in relation to 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 adding Section 115-22 as follows:

6 (725 ILCS 5/115-22 new)

7 Sec. 115-22. Discovery depositions in capital cases and  
8 in cases in which the defendant may receive a term of natural  
9 life imprisonment as a consequence of conviction. In capital  
10 cases and in cases in which the defendant may receive a term  
11 of natural life imprisonment as a consequence of conviction,  
12 discovery depositions may be taken in accordance with the  
13 following provisions:

14 (1) A party may take the discovery deposition upon  
15 oral questions of any person disclosed as a witness  
16 pursuant to Supreme Court Rules 412 or 413 with leave of  
17 court upon a showing of good cause. In determining  
18 whether to allow a deposition, the court should consider  
19 the consequences to the party if the deposition is not  
20 allowed, the complexities of the issues involved, the  
21 complexity of the testimony of the witness, and the other  
22 opportunities available to the party to discover the  
23 information sought by deposition. However, under no  
24 circumstances may the defendant be deposed.

25 (2) The taking of depositions shall be in accordance  
26 with rules providing for the taking of depositions in  
27 civil cases, and the order for the taking of a deposition  
28 may provide that any designated books, papers, documents  
29 or tangible objects, not privileged, be produced at the  
30 same time and place.

31 (3) Attendance of defendant. A defendant shall have

1       no right to be physically present at a discovery  
2       deposition.

3           (4) Signing and filing depositions. Supreme Court  
4       Rule 207 shall apply to the signing and filing of  
5       depositions taken pursuant to this Section.

6           (5) Costs. If the defendant is indigent, all costs  
7       of taking depositions shall be paid by the county wherein  
8       the criminal charge is initiated. If the defendant is not  
9       indigent the costs shall be allocated as in civil cases.