

SB0074



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0074

Introduced 1/26/2005, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108B-3

from Ch. 38, par. 108B-3

Amends the Code of Criminal Procedure of 1963. Provides that the State's Attorney, or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability, may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private communication (rather than a private oral communication) in specified cases. Effective immediately.

LRB094 06279 RLC 36352 b

A BILL FOR

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 108B-3 as follows:

6 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

7 Sec. 108B-3. Authorization for the interception of private
8 communication.

9 (a) The State's Attorney, or a person designated in writing
10 or by law to act for him and to perform his duties during his
11 absence or disability, may authorize, in writing, an ex parte
12 application to the chief judge of a court of competent
13 jurisdiction for an order authorizing the interception of a
14 private ~~oral~~ communication when no party has consented to the
15 interception and (i) the interception may provide evidence of,
16 or may assist in the apprehension of a person who has
17 committed, is committing or is about to commit, a violation of
18 Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of
19 murder for hire), 9-1 (first degree murder), or 29B-1 (money
20 laundering) of the Criminal Code of 1961, Section 401, 401.1
21 (controlled substance trafficking), 405, 405.1 (criminal drug
22 conspiracy) or 407 of the Illinois Controlled Substances Act, a
23 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
24 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
25 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
26 Criminal Code of 1961 or conspiracy to commit money laundering
27 or conspiracy to commit first degree murder; (ii) in response
28 to a clear and present danger of imminent death or great bodily
29 harm to persons resulting from: (1) a kidnapping or the holding
30 of a hostage by force or the threat of the imminent use of
31 force; or (2) the occupation by force or the threat of the
32 imminent use of force of any premises, place, vehicle, vessel

1 or aircraft; (iii) to aid an investigation or prosecution of a
2 civil action brought under the Illinois Streetgang Terrorism
3 Omnibus Prevention Act when there is probable cause to believe
4 the interception of the private ~~oral~~ communication will provide
5 evidence that a streetgang is committing, has committed, or
6 will commit a second or subsequent gang-related offense or that
7 the interception of the private ~~oral~~ communication will aid in
8 the collection of a judgment entered under that Act; or (iv)
9 upon information and belief that a streetgang has committed, is
10 committing, or is about to commit a felony.

11 (b) The State's Attorney or a person designated in writing
12 or by law to act for the State's Attorney and to perform his or
13 her duties during his or her absence or disability, may
14 authorize, in writing, an ex parte application to the chief
15 judge of a circuit court for an order authorizing the
16 interception of a private communication when no party has
17 consented to the interception and the interception may provide
18 evidence of, or may assist in the apprehension of a person who
19 has committed, is committing or is about to commit, a violation
20 of an offense under Article 29D of the Criminal Code of 1961.

21 (b-1) Subsection (b) is inoperative on and after January 1,
22 2005.

23 (b-2) No conversations recorded or monitored pursuant to
24 subsection (b) shall be made inadmissible ~~inadmissable~~ in a
25 court of law by virtue of subsection (b-1).

26 (c) As used in this Section, "streetgang" and
27 "gang-related" have the meanings ascribed to them in Section 10
28 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
29 (Source: P.A. 92-854, eff. 12-5-02.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.