



Sen. Dan Kotowski

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1 AMENDMENT TO SENATE BILL 1013

2 AMENDMENT NO. _____. Amend Senate Bill 1013, AS AMENDED,
3 by inserting the following in its proper numeric sequence in
4 Article 1:

5 "Section 1-50. The Statewide Grand Jury Act is amended by
6 changing Sections 2, 3, and 4 as follows:

7 (725 ILCS 215/2) (from Ch. 38, par. 1702)

8 Sec. 2. (a) County grand juries and State's Attorneys have
9 always had and shall continue to have primary responsibility
10 for investigating, indicting, and prosecuting persons who
11 violate the criminal laws of the State of Illinois. However, in
12 recent years organized terrorist activity directed against
13 innocent civilians, ~~and~~ certain criminal enterprises, and
14 public corruption have developed that require investigation,
15 indictment, and prosecution on a statewide or multicounty
16 level. The criminal enterprises exist as a result of the allure

1 of profitability present in narcotic activity, public
2 corruption, the unlawful sale and transfer of firearms, and
3 streetgang related felonies and organized terrorist activity
4 is supported by the contribution of money and expert assistance
5 from geographically diverse sources. In order to shut off the
6 life blood of terrorism and weaken or eliminate the criminal
7 enterprises, assets, and property used to further these
8 offenses must be frozen, and any profit must be removed. State
9 statutes exist that can accomplish that goal. Among them are
10 the offense of money laundering, the Cannabis and Controlled
11 Substances Tax Act, violations of Articles Article 29D, 33, and
12 33E of the Criminal Code of 1961, the Narcotics Profit
13 Forfeiture Act, and gunrunning. Local prosecutors need
14 investigative personnel and specialized training to attack and
15 eliminate these profits. In light of the transitory and complex
16 nature of conduct that constitutes these criminal activities,
17 the many diverse property interests that may be used, acquired
18 directly or indirectly as a result of these criminal
19 activities, and the many places that illegally obtained
20 property may be located, it is the purpose of this Act to
21 create a limited, multicounty Statewide Grand Jury with
22 authority to investigate, indict, and prosecute: narcotic
23 activity, including cannabis and controlled substance
24 trafficking, narcotics racketeering, money laundering,
25 violations of the Cannabis and Controlled Substances Tax Act,
26 ~~and~~ violations of Articles Article 29D, 33, and 33E of the

1 Criminal Code of 1961; public corruption crimes; the unlawful
2 sale and transfer of firearms; gunrunning; and streetgang
3 related felonies.

4 (b) A Statewide Grand Jury may also investigate, indict,
5 and prosecute violations facilitated by the use of a computer
6 of any of the following offenses: indecent solicitation of a
7 child, sexual exploitation of a child, soliciting for a
8 juvenile prostitute, keeping a place of juvenile prostitution,
9 juvenile pimping, or child pornography.

10 (Source: P.A. 91-225, eff. 1-1-00; 92-854, eff. 12-5-02.)

11 (725 ILCS 215/3) (from Ch. 38, par. 1703)

12 Sec. 3. Written application for the appointment of a
13 Circuit Judge to convene and preside over a Statewide Grand
14 Jury, with jurisdiction extending throughout the State, shall
15 be made to the Chief Justice of the Supreme Court. Upon such
16 written application, the Chief Justice of the Supreme Court
17 shall appoint a Circuit Judge from the circuit where the
18 Statewide Grand Jury is being sought to be convened, who shall
19 make a determination that the convening of a Statewide Grand
20 Jury is necessary.

21 In such application the Attorney General shall state that
22 the convening of a Statewide Grand Jury is necessary because of
23 an alleged offense or offenses set forth in this Section
24 involving more than one county of the State and identifying any
25 such offense alleged; and

1 (a) that he or she believes that the grand jury
2 function for the investigation and indictment of the
3 offense or offenses cannot effectively be performed by a
4 county grand jury together with the reasons for such
5 belief, and

6 (b) (1) that each State's Attorney with jurisdiction
7 over an offense or offenses to be investigated has
8 consented to the impaneling of the Statewide Grand
9 Jury, or

10 (2) if one or more of the State's Attorneys having
11 jurisdiction over an offense or offenses to be
12 investigated fails to consent to the impaneling of the
13 Statewide Grand Jury, the Attorney General shall set
14 forth good cause for impaneling the Statewide Grand
15 Jury.

16 If the Circuit Judge determines that the convening of a
17 Statewide Grand Jury is necessary, he or she shall convene and
18 impanel the Statewide Grand Jury with jurisdiction extending
19 throughout the State to investigate and return indictments:

20 (a) For violations of any of the following or for any
21 other criminal offense committed in the course of violating
22 any of the following: Article 29D of the Criminal Code of
23 1961, the Illinois Controlled Substances Act, the Cannabis
24 Control Act, the Methamphetamine Control and Community
25 Protection Act, the Narcotics Profit Forfeiture Act, or the
26 Cannabis and Controlled Substances Tax Act; a streetgang

1 related felony offense; Section 24-2.1, 24-2.2, 24-3,
2 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
3 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
4 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a
5 money laundering offense; provided that the violation or
6 offense involves acts occurring in more than one county of
7 this State; and

8 (a-5) For violations facilitated by the use of a
9 computer, including the use of the Internet, the World Wide
10 Web, electronic mail, message board, newsgroup, or any
11 other commercial or noncommercial on-line service, of any
12 of the following offenses: indecent solicitation of a
13 child, sexual exploitation of a child, soliciting for a
14 juvenile prostitute, keeping a place of juvenile
15 prostitution, juvenile pimping, or child pornography; and

16 (a-6) For violations of offenses involving the
17 corruption of a public official, including theft, fraud,
18 extortion or a violation of Article 33 or 33E of the
19 Criminal Code of 1961; and

20 (b) For the offenses of perjury, subornation of
21 perjury, communicating with jurors and witnesses, and
22 harassment of jurors and witnesses, as they relate to
23 matters before the Statewide Grand Jury.

24 "Streetgang related" has the meaning ascribed to it in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 Upon written application by the Attorney General for the
2 convening of an additional Statewide Grand Jury, the Chief
3 Justice of the Supreme Court shall appoint a Circuit Judge from
4 the circuit for which the additional Statewide Grand Jury is
5 sought. The Circuit Judge shall determine the necessity for an
6 additional Statewide Grand Jury in accordance with the
7 provisions of this Section. No more than 2 Statewide Grand
8 Juries may be empaneled at any time.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 (725 ILCS 215/4) (from Ch. 38, par. 1704)

11 Sec. 4. (a) The presiding judge of the Statewide Grand Jury
12 will receive recommendations from the Attorney General as to
13 the county in which the Grand Jury will sit. Prior to making
14 the recommendations, the Attorney General shall obtain the
15 permission of the local State's Attorney to use his or her
16 county for the site of the Statewide Grand Jury. Upon receiving
17 the Attorney General's recommendations, the presiding judge
18 will choose one of those recommended locations as the site
19 where the Grand Jury shall sit.

20 Any indictment by a Statewide Grand Jury shall be returned
21 to the Circuit Judge presiding over the Statewide Grand Jury
22 and shall include a finding as to the county or counties in
23 which the alleged offense was committed. Thereupon, the judge
24 shall, by order, designate the county of venue for the purpose
25 of trial. The judge may also, by order, direct the

1 consolidation of an indictment returned by a county grand jury
2 with an indictment returned by the Statewide Grand Jury and set
3 venue for trial.

4 (b) Venue for purposes of trial for the offense of
5 narcotics racketeering shall be proper in any county where:

6 (1) Cannabis or a controlled substance which is the
7 basis for the charge of narcotics racketeering was used;
8 acquired; transferred or distributed to, from or through;
9 or any county where any act was performed to further the
10 use; acquisition, transfer or distribution of said
11 cannabis or controlled substance; or

12 (2) Any money, property, property interest, or any
13 other asset generated by narcotics activities was
14 acquired, used, sold, transferred or distributed to, from
15 or through; or,

16 (3) Any enterprise interest obtained as a result of
17 narcotics racketeering was acquired, used, transferred or
18 distributed to, from or through, or where any activity was
19 conducted by the enterprise or any conduct to further the
20 interests of such an enterprise.

21 (c) Venue for purposes of trial for the offense of money
22 laundering shall be proper in any county where any part of a
23 financial transaction in criminally derived property took
24 place, or in any county where any money or monetary interest
25 which is the basis for the offense, was acquired, used, sold,
26 transferred or distributed to, from, or through.

1 (d) A person who commits the offense of cannabis
2 trafficking or controlled substance trafficking may be tried in
3 any county.

4 (e) Venue for purposes of trial for any violation of
5 Article 29D of the Criminal Code of 1961 may be in the county
6 in which an act of terrorism occurs, the county in which
7 material support or resources are provided or solicited, the
8 county in which criminal assistance is rendered, or any county
9 in which any act in furtherance of any violation of Article 29D
10 of the Criminal Code of 1961 occurs.

11 (f) Venue for purposes of trial for any offense involving
12 the corruption of a public official may be in the county in
13 which the offense occurred.

14 (Source: P.A. 92-854, eff. 12-5-02.)".