



Sen. John J. Cullerton

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09600SB3800sam001

LRB096 20633 RLC 37778 a

1 AMENDMENT TO SENATE BILL 3800

2 AMENDMENT NO. _____. Amend Senate Bill 3800 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 32-8 as follows:

6 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

7 Sec. 32-8. Tampering with public records.

8 (a) A person who knowingly and without lawful authority
9 alters, destroys, defaces, removes or conceals any public
10 record commits a Class 4 felony.

11 (b) "Public record" expressly includes, but is not limited
12 to, court records pertaining to any civil or criminal
13 proceeding in any court.

14 (c) Any judge, circuit clerk or clerk of court, public
15 official or employee, court reporter, or other person who
16 knowingly and without lawful authority alters, destroys,

1 defaces, removes, or conceals any public record received or
2 held by any judge or by a clerk of any court commits a Class 3
3 felony.

4 (d) Any person convicted under subsection (c):

5 (1) shall forfeit his or her public office or public
6 employment, if any, and shall thereafter be ineligible for
7 both State and local public office and public employment in
8 this State for a period of 5 years after completion of any
9 term of probation, conditional discharge, or mandatory
10 supervised release;

11 (2) shall forfeit all retirement, pension, and other
12 benefits arising out of public office or public employment
13 in accordance with the applicable provisions of the
14 Illinois Pension Code;

15 (3) shall be subject to termination of any professional
16 licensure or registration in this State in accordance with
17 the provisions of the applicable professional licensing or
18 registration laws;

19 (4) may be ordered by the court, after a hearing in
20 accordance with applicable law and in addition to any other
21 penalty or fine imposed by the court, to forfeit to the
22 State an amount equal to any financial gain or the value of
23 any advantage realized by the person as a result of the
24 offense; and

25 (5) may be ordered by the court, after a hearing in
26 accordance with applicable law and in addition to any other

1 penalty or fine imposed by the court, to pay restitution to
2 the victim in an amount equal to any financial loss or the
3 value of any advantage lost by the victim as a result of
4 the offense.

5 For the purposes of this subsection (d), an offense under
6 subsection (c) committed by a person holding public office or
7 public employment shall be rebuttably presumed to relate to or
8 arise out of or in connection with that public office or public
9 employment.

10 (e) Any party having an interest in the protection and
11 integrity of any court record, whether such party be a public
12 official or a private individual, shall have the right to
13 request and, if necessary, to demand that an investigation be
14 opened into the alteration, destruction, defacement, removal,
15 or concealment of any public record. Such request may be made
16 to any law enforcement agency, including, but not limited to,
17 local law enforcement and the State Police.

18 (f) When the local law enforcement agency having
19 jurisdiction declines to investigate, or inadequately
20 investigates, a violation of subsection (c), the State Police
21 shall have the authority to investigate, and shall investigate,
22 the same, without regard to whether such local law enforcement
23 agency has requested the State Police to do so.

24 (g) When the State's Attorney having jurisdiction declines
25 to prosecute a violation of subsection (c), the Attorney
26 General shall have the authority to prosecute the same, without

1 regard to whether such State's Attorney has requested the
2 Attorney General to do so.

3 (h) Prosecution of a violation of subsection (c) shall be
4 commenced within 3 years after the act constituting the
5 violation is discovered or reasonably should have been
6 discovered.

7 (Source: P.A. 77-2638.)".