



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3423

Introduced 2/24/2011, by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 1961. Adds the Gang Influenced and Criminal Organizations Law (GICO) as a new Article of the Code. Provides that it is unlawful for any person: (1) who is employed by or associated with any enterprise, knowingly to conduct or participate, directly or indirectly, in such enterprise's affairs through either a pattern of predicate activity or the collection of unlawful debt; or (2) knowingly to acquire or maintain, directly or indirectly, through either a pattern of predicate activity or the collection of unlawful debt, any interest in, or control of, to any degree, any enterprise, real property, or personal property of any character, including money. Defines "pattern of predicate activity". Provides criminal penalties and for seizure and forfeiture of property derived from the pattern of predicate activity. Amends the Code of Criminal Procedure of 1963. Authorizes the court to issue an order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit predicate activity under GICO. Amends the Statewide Grand Jury Act. Permits the convening of a Statewide Grand Jury to investigate and return indictments for violations of the Gang Influenced and Criminal Organizations Law.

LRB097 09212 RLC 51271 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Criminal Code of 1961 is amended by adding
5 Article 33G as follows:

6 (720 ILCS 5/Art. 33G heading new)

7 ARTICLE 33G. GANG INFLUENCED AND CRIMINAL ORGANIZATIONS LAW

8 (720 ILCS 5/33G-1 new)

9 Sec. 33G-1. Short title. This Article may be cited as the
10 Gang Influenced and Criminal Organizations Law (or "GICO").

11 (720 ILCS 5/33G-5 new)

12 Sec. 33G-5. Definitions. As used in this Article:

13 (a) "Another state" means any state of the United States
14 (other than the State of Illinois), or the District of
15 Columbia, or the Commonwealth of Puerto Rico, or any territory
16 or possession of the United States, or any political
17 subdivision, or any department, agency, or instrumentality
18 thereof.

19 (b) "Enterprise" includes (1) any individual, sole
20 proprietorship, partnership, corporation, association,
21 business or charitable trust or other legal entity, and (2) any

1 union or group of individuals, sole proprietorships,
2 partnerships, corporations, associations, business or
3 charitable trusts or other legal entities, or any combination
4 thereof, associated in fact although not itself a legal entity.
5 An association in fact must be held together by a common
6 purpose, apart from an individual purpose or purposes, but it
7 need not be hierarchically structured or otherwise specially
8 configured. As used in this Article, "enterprise" includes
9 licit and illicit enterprises, as well as the State of Illinois
10 and any political subdivision, or any department, agency, or
11 instrumentality thereof.

12 (c) "Predicate activity" means:

13 (1) any act, attempt, endeavor, solicitation, or
14 conspiracy that is punishable by imprisonment for more than
15 one year, and constitutes a violation or violations of any
16 of the following provisions of the laws of the State of
17 Illinois (as amended or revised as of the date the activity
18 occurred or, in the instance of a continuing offense, the
19 date that charges under this Article are filed in a
20 particular matter in the State of Illinois):

21 (i) Criminal Code of 1961: Section 24-1.2
22 (aggravated discharge of a firearm), 24-1.2-5
23 (aggravated discharge of a machine gun or silencer
24 equipped firearm), 24-1.6 (aggravated unlawful use of
25 a weapon), 24-2.2 (unlawful ammunition), 24-3
26 (unlawful sale of firearms), 24-3.2 (unlawful

1 discharge of firearm projectiles), 24-3A (gunrunning),
2 or 24-5 (defacing a firearm);

3 (ii) Cannabis Control Act: Section 5 (manufacture
4 or delivery of cannabis), 5.1 (cannabis trafficking),
5 or 8 (production or possession of cannabis plants);

6 (iii) Illinois Controlled Substances Act: Section
7 401 (manufacture or delivery of a controlled
8 substance), 401.1 (controlled substance trafficking),
9 405 (calculated criminal drug conspiracy), 405.1
10 (criminal drug conspiracy), 405.2 (streetgang criminal
11 drug conspiracy), or 406.1 (unlawful use of buildings
12 to produce controlled substances); or

13 (iv) Methamphetamine Control and Community
14 Protection Act: Section 15 (methamphetamine
15 manufacturing) or 55 (methamphetamine delivery); or

16 (2) any act, attempt, endeavor, solicitation, or
17 conspiracy involving predicate activity.

18 (d) "Pattern of predicate activity" means: (1) at least 2
19 occurrences of predicate activity related to the affairs of an
20 enterprise in the form of an act, attempt, endeavor,
21 solicitation, or conspiracy, or any combination thereof; and
22 (2) at least one of which falls after the effective date of
23 this Article, and the last of which falls within 10 years
24 (excluding any period of imprisonment) after the prior
25 occurrence of predicate activity.

26 (e) "Unlawful debt" means a debt (1) incurred or contracted

1 in the business of gambling activity that was in violation of
2 the law of the United States, or the State of Illinois or
3 another state, or any political subdivision thereof, and that
4 is unenforceable under Federal law, or the laws of the State of
5 Illinois or another state, in whole or in part as to principal
6 or interest, or (2) that was incurred in connection with the
7 business of lending money or other things of value in violation
8 of the laws of the United States, or the laws of the State of
9 Illinois or another state, or a political subdivision thereof,
10 at a rate usurious under Federal law, or the laws of the State
11 of Illinois or another state, where the usurious rate is at
12 least twice the enforceable rate.

13 (f) "Unlawful death" includes the following offenses under
14 the Criminal Code of 1961: Section 9-1 (first degree murder),
15 9-2 (second degree murder), 9-3 (voluntary manslaughter and
16 reckless homicide), or 9-3.2 (involuntary manslaughter).

17 (g) "GICO prosecutor" means any Illinois State's Attorney,
18 or any of his or her representatives so designated by such
19 Illinois State's Attorney, under the laws or regulations of the
20 State of Illinois or any political subdivision thereof, who is
21 charged with the duty of enforcing or carrying into effect this
22 Article. "Prosecutor" also includes the Attorney General of the
23 State of Illinois upon the granting of an application pursuant
24 to the Statewide Grand Jury Act.

1 Sec. 33G-10. Prohibited activities. Under this Article:

2 (a) It is unlawful for any person: (1) who is employed by
3 or associated with any enterprise, knowingly to conduct or
4 participate, directly or indirectly, in such enterprise's
5 affairs through either a pattern of predicate activity or the
6 collection of unlawful debt; or (2) knowingly to acquire or
7 maintain, directly or indirectly, through either a pattern of
8 predicate activity or the collection of unlawful debt, any
9 interest in, or control of, to any degree, of any enterprise,
10 real property, or personal property of any character, including
11 money.

12 (b) It is unlawful for any person knowingly to attempt to
13 violate, or knowingly conspire to violate, this Article.
14 Notwithstanding any other provision of law, in any prosecution
15 for a conspiracy to violate this Article, no person may be
16 convicted of such conspiracy unless an overt act in furtherance
17 of such agreement is alleged and proved to have been committed
18 by him or by a coconspirator. The commission of such overt act
19 need not itself constitute predicate activity underlying the
20 specific violation of this Article.

21 (c) The application of a remedy under this Article shall
22 not preclude the application of other criminal, civil or
23 administrative remedies under this Article or any other
24 provision of law. Any person prosecuted under this Article may
25 be convicted and sentenced either: (1) for the offense of
26 attempting or conspiring to violate this Article, and for any

1 other particular offense or offenses that may constitute an
2 object of the attempt or conspiracy to violate this Article; or
3 (2) for the substantive offense of violating this Article, and
4 for any other particular offense or offenses that may
5 constitute predicate activity underlying a violation of this
6 Article.

7 (d) It is not a defense to any violation of this Article
8 that a defendant has been formerly prosecuted for an offense
9 based upon the same facts, within the meaning of Section 3-4 of
10 this Code, that thereafter serves as any portion of the
11 underlying predicate activity in a subsequent prosecution for
12 any violation of this Article, unless the former prosecution
13 was terminated by a final order or judgment, even if entered
14 before trial, which required a determination inconsistent with
15 any fact necessary to a conviction in the subsequent
16 prosecution under this Article.

17 (720 ILCS 5/33G-15 new)

18 Sec. 33G-15. Penalties. Under this Article,
19 notwithstanding any other provision of law:

20 (a) Any violation of this Article shall be sentenced as a
21 Class X felony with a term of imprisonment of not less than 6
22 years and not more than 30 years, and the sentence imposed
23 shall also include restitution or a criminal fine, or both,
24 jointly and severally, up to \$250,000 or twice the gross amount
25 of any intended loss of the violation, if any, whichever is

1 higher.

2 (b) Wherever the unlawful death of any person or persons
3 results as a necessary or natural consequence of any violation
4 of this Article, the sentence imposed on the defendant shall
5 include an enhanced term of imprisonment of at least 25 years
6 up to natural life, in addition to any other penalty imposed by
7 the court, provided: (1) the death or deaths were reasonably
8 foreseeable to the defendant to be sentenced; and (2) the death
9 or deaths occurred when such defendant was otherwise engaged in
10 the violation of this Article as a whole.

11 (c) A sentence of probation, periodic imprisonment,
12 conditional discharge, impact incarceration or county impact
13 incarceration, court supervision, withheld adjudication, or
14 any pretrial diversionary sentence or suspended sentence, is
15 not authorized for a violation of this Article.

16 (720 ILCS 5/33G-20 new)

17 Sec. 33G-20. Remedial proceedings, procedures, and
18 forfeiture. Under this Article:

19 (a) The courts shall have jurisdiction to prevent and
20 restrain violations of this Article by issuing appropriate
21 orders, including: (1) ordering any person to disgorge illicit
22 proceeds obtained by a violation of this Article or divest
23 himself or herself of any interest, direct or indirect, in any
24 enterprise or real or personal property of any character,
25 including money, obtained, directly or indirectly, by a

1 violation of this Article; (2) imposing reasonable
2 restrictions on the future activities or investments of any
3 person or enterprise, including prohibiting any person or
4 enterprise from engaging in the same type of endeavor as the
5 person or enterprise engaged in, that violated this Article; or
6 (3) ordering dissolution or reorganization of any enterprise,
7 making due provision for the rights of innocent persons.

8 (b) The United States, another state, or the State of
9 Illinois, or any political subdivision, or any department,
10 agency, or instrumentality thereof, or any person (subject to a
11 substantially equal involvement defense) or such person's
12 estate, injured in his or her person, business, or property by
13 reason of a violation, directly or indirectly, of this Article,
14 may sue in any appropriate court and shall recover threefold
15 any damages sustained and the costs of the suit, including a
16 reasonable attorney's fee at the trial and appellate level, and
17 any equitable remedy justice requires, including injunctions,
18 declaratory judgments, divestiture, accounting or
19 disgorgement. Pending final determination thereof, the court
20 may at any time enter such restraining orders or prohibitions,
21 or take such other actions, including the acceptance of
22 satisfactory performance bonds, as it shall deem proper.
23 Satisfactory performance bonds shall not be required of the
24 United States, another state, or the State of Illinois, or any
25 political subdivision, or any department, agency, or
26 instrumentality thereof. The existence of a criminal

1 conviction or investigation for the alleged violation of this
2 Article is not a prerequisite to any proceeding hereunder, but
3 a final judgment entered in favor of the People of the State of
4 Illinois in any criminal proceeding brought under this Article
5 shall estop the defendant in the criminal case from denying the
6 material allegations of the criminal violation in any
7 subsequent civil or administrative proceeding brought under
8 this Article.

9 (c) Notwithstanding any other provision of law, the court
10 shall, for any violation of this Article, order criminal or
11 civil forfeiture, in personam or in rem, jointly and severally,
12 of any interest or property the person has acquired or
13 maintained in violation of this Article, or any interest in,
14 security of, or claim against, or property or contractual right
15 of any kind affording a source of influence of any degree over,
16 any enterprise that the person has established, operated,
17 controlled, conducted, or participated in, in violation of this
18 Article, as well as any property constituting, or derived from,
19 any proceeds, including money, that the person obtained,
20 directly or indirectly, from predicate activity or unlawful
21 debt collection in violation of this Article. Any court, in
22 imposing sentence on such person, shall order, in addition to
23 any other sentence imposed pursuant to this Article, that the
24 person forfeit to the State of Illinois all property described
25 herein. The property and interests subject to criminal or civil
26 forfeiture under this Article include any real property,

1 including things growing on, affixed to, and found in land, and
2 any tangible and intangible personal property, including
3 rights, privileges, interests, claims, and securities. All
4 right, title, and interest in property described in this
5 Article vests in the State of Illinois upon the inception of
6 the illicit agreement or commission of any act otherwise giving
7 rise to forfeiture under this Article. The court shall further
8 order the criminal or civil forfeiture of any other property of
9 the defendant up to the value of the property described herein
10 if, as a result of any act or omission of the defendant, such
11 property subject to forfeiture: (1) cannot be located upon the
12 exercise of due diligence; (2) has been transferred or sold to,
13 or deposited with, a third party; (3) has been placed beyond
14 the jurisdiction of the court; (4) has been substantially
15 diminished in value; or (5) has been commingled with other
16 property that cannot be divided without difficulty.

17 (d) Any property subject to criminal or civil forfeiture
18 under this Article that is subsequently transferred to a person
19 other than a defendant may be the subject of a special verdict
20 of forfeiture and thereafter shall be ordered forfeited to the
21 State of Illinois, unless the transferee petitions the court
22 and establishes in a hearing before the court, without a jury,
23 that he or she is a bona fide purchaser for value of such
24 property who at the time of purchase was reasonably without
25 cause to believe that the property was subject to forfeiture
26 under this Article. The petition shall be signed by the

1 petitioner under penalty of perjury and shall set forth the
2 nature and extent of the petitioner's right, title, or interest
3 in the property, the time and circumstances of the petitioner's
4 acquisition of the right, title, or interest in the property,
5 any additional facts supporting the petitioner's claim, and the
6 relief sought. The hearing on the petition shall, to the extent
7 practicable and consistent with the interests of justice, be
8 held as soon as possible after completion of the criminal
9 proceedings, if any, pursuant to this Article. The court may
10 consolidate the hearing on the petition with a hearing on any
11 other petition filed by a person other than the defendant under
12 this Article. Following the court's disposition of all
13 petitions filed under this Article, or if no such petitions are
14 filed then within 90 days of the completion of criminal or
15 civil proceedings pursuant to this Article, the State of
16 Illinois shall have clear title to property that is the subject
17 of the order of forfeiture and may warrant good title to any
18 subsequent purchaser or transferee. In addition to testimony
19 and evidence presented at the hearing, the court shall consider
20 the relevant portions of the record of any criminal case that
21 resulted in, or relates to, the order of forfeiture. After the
22 hearing, the court shall amend the order of forfeiture if the
23 court determines that the petitioner has established by a
24 preponderance of the evidence that:

25 (1) the petitioner has a legal right, title, or
26 interest in the property, and such right, title, or

1 interest renders the order of forfeiture invalid in whole
2 or in part because the right, title, or interest was vested
3 in the petitioner rather than the defendant or was superior
4 to any right, title, or interest of the defendant at the
5 time of the commission of the acts that gave rise to the
6 forfeiture of the property under this Article; or

7 (2) the petitioner is a bona fide purchaser for value
8 of the right, title, or interest in the property and was at
9 the time of purchase reasonably without cause to believe
10 that the property was subject to forfeiture under this
11 Article.

12 (e) Upon application of a GICO prosecutor, the court may
13 enter a restraining order or injunction, require the execution
14 of a satisfactory performance bond, or take any other action to
15 preserve the availability of property described herein for
16 forfeiture under this Article:

17 (1) upon the filing of an indictment or information
18 charging a violation of this Article and alleging that the
19 property with respect to which the order is sought would,
20 in the event of conviction, be subject to forfeiture under
21 this Article; or

22 (2) prior to the filing of such an indictment or
23 information, if, after notice to persons appearing to have
24 an interest in the property and opportunity for a hearing,
25 the court determines that: (A) there is a substantial
26 probability that the prosecutor will prevail on the issue

1 of forfeiture and that failure to enter the order will
2 result in the property being destroyed, removed from the
3 jurisdiction of the court, or otherwise made unavailable
4 for forfeiture; and (B) the need to preserve the
5 availability of the property through the entry of the
6 requested order outweighs the hardship on any party against
7 whom the order is to be entered; Provided that any such
8 order entered be effective for not more than 90 days,
9 unless extended by the court for good cause shown or unless
10 an indictment or information described herein has been
11 filed.

12 A temporary restraining order under this Article may be
13 entered upon application of a prosecutor without notice or
14 opportunity for a hearing when an information or indictment has
15 not yet been filed with respect to the property, if the
16 prosecutor demonstrates that there is probable cause to believe
17 that the property with respect to which the order is sought
18 would, in the event of conviction, be subject to forfeiture
19 under this Article and that provision of notice will jeopardize
20 the integrity of an investigation, the safety of any persons,
21 or the availability of the property for forfeiture. Such a
22 temporary order shall expire not more than 10 days after the
23 date on which it is entered, unless extended for good cause
24 shown or unless the party against whom it is entered consents
25 to an extension for a longer period. A hearing requested
26 concerning an order entered herein under this Article shall be

1 held at the earliest possible time, and prior to the expiration
2 of the temporary order. The court may receive and consider, at
3 a hearing held pursuant to this Article, evidence and
4 information that would be otherwise inadmissible under the
5 rules of evidence, and such a hearing shall be heard by the
6 court without a jury.

7 (f) Upon conviction of a person under this Article or upon
8 the completion of appropriate civil proceedings under this
9 Article, the court shall enter a judgment of forfeiture of the
10 property to the State of Illinois and shall authorize the
11 prosecutor or his or her agent to seize all property ordered
12 forfeited upon such terms and conditions as the court shall
13 deem proper. Following the entry of an order declaring the
14 property forfeited, the court may, upon application of a
15 prosecutor or investigator, enter such appropriate restraining
16 orders or injunctions, require the execution of satisfactory
17 performance bonds, appoint receivers, conservators,
18 appraisers, accountants, or trustees, or take any other action
19 to protect the interest of the State of Illinois in the
20 property ordered forfeited. Any income accruing to, or derived
21 from, an enterprise or an interest in an enterprise that has
22 been ordered forfeited under this Article may be used to offset
23 ordinary and necessary expenses to the enterprise which are
24 required by law, or which are necessary to protect the
25 interests of the State of Illinois or third parties.

26 (g) Following the seizure of property ordered forfeited

1 under this Article, the prosecutor or his or her agent shall
2 direct the disposition of the property by sale or any other
3 commercially feasible means, making due provision for the
4 rights of any innocent persons. Any property right or interest
5 not exercisable by, or transferable for value to, the State of
6 Illinois shall expire and shall not revert to the defendant,
7 nor shall the defendant or any person acting in concert with or
8 on behalf of the defendant be eligible to purchase forfeited
9 property at any sale held by the prosecutor or his or her
10 agent. Upon application of a person, other than the defendant
11 or a person acting in concert with or on behalf of the
12 defendant, the court may restrain or stay the sale or
13 disposition of the property pending the conclusion of any
14 appeal of the criminal case giving rise to the forfeiture, if
15 the applicant demonstrates that proceeding with the sale or
16 disposition of the property will result in irreparable injury,
17 harm or loss to him or her. At the direction of the court, the
18 proceeds of any sale or other disposition of property forfeited
19 under this Article and any moneys forfeited shall be used to
20 pay all proper expenses consisting of the costs of the
21 investigation, the prosecution thereof, and any related
22 remedial proceedings under this Article, as well as the
23 forfeiture and sale, including any expenses of seizure,
24 maintenance or custody of the property pending its disposition,
25 advertising and court costs. The prosecutor shall deposit in
26 the treasury of the State of Illinois 75% of any amounts of the

1 proceeds or moneys remaining after the payment of such proper
2 expenses, which money or proceeds shall thereafter be disposed
3 of as prescribed by law, and the prosecutor shall retain
4 directly the final 25% of such proceeds or moneys for the
5 general purposes of fulfilling the duties of his or her office,
6 or for equitable sharing, as directed by the prosecutor, among
7 those investigators participating in the investigation, the
8 prosecution thereof, and or any related remedial proceedings
9 under this Article.

10 (h) With respect to property ordered forfeited under this
11 Article, the court is authorized to: (1) grant petitions for
12 mitigation or remission of forfeiture, restore forfeited
13 property to victims of a violation of this Article, or take any
14 other action to protect the rights of innocent persons that is
15 in the interest of justice and that is not inconsistent with
16 the provisions of this Article; (2) compromise claims arising
17 under this Article; (3) award compensation to persons providing
18 information resulting in a forfeiture under this Article; (4)
19 direct the disposition by public sale by the prosecutor or his
20 or her agent of all property ordered forfeited under this
21 Article or direct any other commercially feasible means, making
22 due provision for the rights of innocent persons; and (5) take
23 appropriate measures necessary to safeguard and maintain
24 property ordered forfeited under this Article pending its
25 disposition.

26 (i) Except as provided herein, no party claiming an

1 interest in property subject to forfeiture under this Article
2 may: (1) intervene in any trial or appeal of a criminal case
3 involving the forfeiture of such property under this Article;
4 or (2) commence an action at law or equity against the State of
5 Illinois, or against any prosecutor or investigator,
6 concerning the actions taken under this Article or concerning
7 the validity of an alleged interest in the property subsequent
8 to the filing of an indictment or information alleging that the
9 property is subject to forfeiture under this Article.

10 (j) In order to facilitate the identification or location
11 of property declared forfeited and to facilitate the
12 disposition of petitions for remission or mitigation of
13 forfeiture, after the entry of an order declaring property
14 forfeited to the State of Illinois, the court may, upon
15 application of the prosecutor, order that the testimony of any
16 witness relating to the property forfeited be taken by
17 deposition and that any designated book, paper, document,
18 record, recording, or other material not privileged be produced
19 at the same time and place, in the same manner as provided for
20 the taking of depositions in civil proceedings under the laws
21 of the State of Illinois.

22 (720 ILCS 5/33G-25 new)

23 Sec. 33G-25. Severability. If any clause, sentence,
24 Section, or provision, or part of this Article or the
25 application thereof to any person or circumstance shall be

1 adjudged to be unconstitutional, the remainder of this Article
2 or its application to any person or circumstances other than
3 those to which it is held invalid shall not be affected
4 thereby.

5 (720 ILCS 5/33G-30 new)

6 Sec. 33G-30. Construction. In interpreting the provisions
7 of this Article, the court, because of their remedial purposes,
8 shall construe them liberally. Nothing in this Article shall
9 preclude the imposition of additional criminal penalties under
10 any provision of Federal law, or the laws of the State of
11 Illinois or another state, or any other law, or the affording
12 of any civil or administrative remedies in addition to those
13 provided for in this Article. In addition, the court shall
14 construe this Article in light of the provisions contained in
15 Title IX of Public Law 91-452, 84 Stat. 922 (as amended in
16 Title 18, United States Code, Section 1961-1968), wherever
17 substantially similar language is used in such Title and this
18 Article, but where such language indicates an intent to depart
19 from such Title, the court shall interpret the language as
20 herein provided.

21 (720 ILCS 5/33G-35 new)

22 Sec. 33G-35. Limitations. Under this Article,
23 notwithstanding any other provision of law, but otherwise
24 subject to the periods of exclusion from limitation as provided

1 in Section 3-7 of this Code, the following limitations apply:

2 (a) Any action, proceeding, or prosecution brought by a
3 prosecutor under this Article must commence within 5 years of
4 one of the following dates, whichever is latest: (1) the date
5 of the commission of the last occurrence of predicate activity
6 in a pattern of such activity, in the form of an act, attempt,
7 endeavor, or solicitation, underlying the alleged violation of
8 this Article; or (2) in the case of an action, proceeding, or
9 prosecution, based upon a conspiracy to violate this Article,
10 the date that the last objective of the alleged conspiracy was
11 accomplished, defeated or abandoned (whichever is later); or
12 (3) the date any minor victim of the violation attains the age
13 of 18 years or the date any victim of the violation subject to
14 a legal disability thereafter gains legal capacity; or (4) the
15 date that any alleged violation of this Article, including
16 injury, cause, pattern, or identity of the violator or
17 violators, was otherwise discovered in the exercise of good
18 faith;

19 (b) Any action, proceeding, or prosecution brought by a
20 prosecutor under this Article may be commenced at any time
21 against all defendants if the conduct of any defendant, or any
22 part of the overall violation, resulted in the unlawful death
23 of any person or persons;

24 (c) Any action or proceeding brought by a private party
25 under subsection (b) of Section 33G-20 of this Article must
26 commence within 3 years of one of the following dates,

1 whichever is latest: (1) the date of the commission of the last
2 occurrence of predicate activity in a pattern of such activity,
3 in the form of an act, attempt, endeavor, or solicitation,
4 underlying the alleged violation of this Article; or (2) in the
5 case of an action, proceeding, or prosecution, based upon a
6 conspiracy to violate this Article, the date that the last
7 objective of the alleged conspiracy was accomplished, defeated
8 or abandoned (whichever is later); or (3) the date that any
9 alleged violation of this Article, including injury, cause,
10 pattern, or identity of the violator or violators, was
11 otherwise discovered in the exercise of good faith.

12 Section 10. The Code of Criminal Procedure of 1963 is
13 amended by changing Sections 108A-5 and 108B-3 as follows:

14 (725 ILCS 5/108A-5) (from Ch. 38, par. 108A-5)

15 Sec. 108A-5. Orders Authorizing Use of an Eavesdropping
16 Device.

17 (a) Each order authorizing or approving the use of an
18 eavesdropping device shall specify:

19 (1) the identity of the person who has consented to the
20 use of the device to monitor any of his conversations and a
21 requirement that any conversation overheard or received
22 must include this person;

23 (2) the identity of the other person or persons, if
24 known, who will participate in the conversation;

1 (3) the period of time in which the use of the device
2 is authorized, ~~including a statement as to whether or not~~
3 ~~the use shall automatically terminate when the described~~
4 ~~conversations have been first obtained.~~

5 (b) No order entered under this section may authorize or
6 approve the use of any eavesdropping device for any period
7 longer than 30 days. An initial or a subsequent extension, in
8 no case for more than 30 days each, of an order may be granted
9 but only upon application made in accordance with Section
10 108A-3 and where the court makes the findings required in
11 Section 108A-4.

12 (Source: P.A. 92-413, eff. 8-17-01.)

13 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

14 Sec. 108B-3. Authorization for the interception of private
15 communication.

16 (a) The State's Attorney, or a person designated in writing
17 or by law to act for him and to perform his duties during his
18 absence or disability, may authorize, in writing, an ex parte
19 application to the chief judge of a court of competent
20 jurisdiction for an order authorizing the interception of a
21 private communication when no party has consented to the
22 interception and (i) the interception may provide evidence of,
23 or may assist in the apprehension of a person who has
24 committed, is committing or is about to commit, a violation of
25 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation

1 of murder for hire), 9-1 (first degree murder), 10-9
2 (involuntary servitude, involuntary sexual servitude of a
3 minor, or trafficking in persons for forced labor or services),
4 11-15.1 (soliciting for a minor engaged in prostitution), 11-16
5 (pandering), 11-17.1 (keeping a place of juvenile
6 prostitution), 11-18.1 (patronizing a minor engaged in
7 prostitution), 11-19.1 (juvenile pimping and aggravated
8 juvenile pimping), or 29B-1 (money laundering) of the Criminal
9 Code of 1961, Section 401, 401.1 (controlled substance
10 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of
11 the Illinois Controlled Substances Act or any Section of the
12 Methamphetamine Control and Community Protection Act, a
13 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
14 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
15 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
16 Criminal Code of 1961, or an offense listed as predicate
17 activity under subsection (c) of Section 33G-5, or conspiracy
18 to commit money laundering or conspiracy to commit first degree
19 murder; (ii) in response to a clear and present danger of
20 imminent death or great bodily harm to persons resulting from:
21 (1) a kidnapping or the holding of a hostage by force or the
22 threat of the imminent use of force; or (2) the occupation by
23 force or the threat of the imminent use of force of any
24 premises, place, vehicle, vessel or aircraft; (iii) to aid an
25 investigation or prosecution of a civil action brought under
26 the Illinois Streetgang Terrorism Omnibus Prevention Act when

1 there is probable cause to believe the interception of the
2 private communication will provide evidence that a streetgang
3 is committing, has committed, or will commit a second or
4 subsequent gang-related offense or that the interception of the
5 private communication will aid in the collection of a judgment
6 entered under that Act; or (iv) upon information and belief
7 that a streetgang has committed, is committing, or is about to
8 commit a felony.

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

19 (b-1) Subsection (b) is inoperative on and after January 1,
20 2005.

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

24 (c) As used in this Section, "streetgang" and
25 "gang-related" have the meanings ascribed to them in Section 10
26 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

1 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10;
2 96-1464, eff. 8-20-10.)

3 Section 15. The Statewide Grand Jury Act is amended by
4 changing Section 3 as follows:

5 (725 ILCS 215/3) (from Ch. 38, par. 1703)

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

15 In such application the Attorney General shall state that
16 the convening of a Statewide Grand Jury is necessary because of
17 an alleged offense or offenses set forth in this Section
18 involving more than one county of the State and identifying any
19 such offense alleged; and

20 (a) that he or she believes that the grand jury
21 function for the investigation and indictment of the
22 offense or offenses cannot effectively be performed by a
23 county grand jury together with the reasons for such
24 belief, and

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

5 (2) if one or more of the State's Attorneys having
6 jurisdiction over an offense or offenses to be
7 investigated fails to consent to the impaneling of the
8 Statewide Grand Jury, the Attorney General shall set
9 forth good cause for impaneling the Statewide Grand
10 Jury.

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

15 (a) For violations of any of the following or for any
16 other criminal offense committed in the course of violating
17 any of the following: Article 29D of the Criminal Code of
18 1961, the Illinois Controlled Substances Act, the Cannabis
19 Control Act, the Methamphetamine Control and Community
20 Protection Act, the Narcotics Profit Forfeiture Act, or the
21 Cannabis and Controlled Substances Tax Act; a streetgang
22 related felony offense; Section 24-2.1, 24-2.2, 24-3,
23 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
24 24-1(a) (4), 24-1(a) (6), 24-1(a) (7), 24-1(a) (9),
25 24-1(a) (10), or 24-1(c) of the Criminal Code of 1961; or a
26 money laundering offense; or any violation of the Gang

1 Influenced and Criminal Organizations Law; provided that
2 the violation or offense involves acts occurring in more
3 than one county of this State; and

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

12 (b) For the offenses of perjury, subornation of
13 perjury, communicating with jurors and witnesses, and
14 harassment of jurors and witnesses, as they relate to
15 matters before the Statewide Grand Jury.

16 "Streetgang related" has the meaning ascribed to it in
17 Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 Upon written application by the Attorney General for the
20 convening of an additional Statewide Grand Jury, the Chief
21 Justice of the Supreme Court shall appoint a Circuit Judge from
22 the circuit for which the additional Statewide Grand Jury is
23 sought. The Circuit Judge shall determine the necessity for an
24 additional Statewide Grand Jury in accordance with the
25 provisions of this Section. No more than 2 Statewide Grand
26 Juries may be empaneled at any time.

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

1		INDEX
2		Statutes amended in order of appearance
3	720 ILCS 5/Art. 33G	
4	heading new	
5	720 ILCS 5/33G-1 new	
6	720 ILCS 5/33G-5 new	
7	720 ILCS 5/33G-10 new	
8	720 ILCS 5/33G-15 new	
9	720 ILCS 5/33G-20 new	
10	720 ILCS 5/33G-25 new	
11	720 ILCS 5/33G-30 new	
12	720 ILCS 5/33G-35 new	
13	725 ILCS 5/108A-5	from Ch. 38, par. 108A-5
14	725 ILCS 5/108B-3	from Ch. 38, par. 108B-3
15	725 ILCS 215/3	from Ch. 38, par. 1703