

SB3351



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3351

Introduced 2/7/2012, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

725 ILCS 5/107A-5

Amends the Code of Criminal Procedure of 1963. Makes a technical change in a Section concerning lineup and photo spread procedure.

LRB097 18563 RLC 63795 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 107A-5 as follows:

6 (725 ILCS 5/107A-5)

7 Sec. 107A-5. Lineup and photo spread procedure.

8 (a) All lineups shall ~~shall~~ be photographed or otherwise
9 recorded. These photographs shall be disclosed to the accused
10 and his or her defense counsel during discovery proceedings as
11 provided in Illinois Supreme Court Rules. All photographs of
12 suspects shown to an eyewitness during the photo spread shall
13 be disclosed to the accused and his or her defense counsel
14 during discovery proceedings as provided in Illinois Supreme
15 Court Rules.

16 (b) Each eyewitness who views a lineup or photo spread
17 shall sign a form containing the following information:

18 (1) The suspect might not be in the lineup or photo
19 spread and the eyewitness is not obligated to make an
20 identification.

21 (2) The eyewitness should not assume that the person
22 administering the lineup or photo spread knows which person
23 is the suspect in the case.

1 (c) Suspects in a lineup or photo spread should not appear
2 to be substantially different from "fillers" or "distracters"
3 in the lineup or photo spread, based on the eyewitness'
4 previous description of the perpetrator, or based on other
5 factors that would draw attention to the suspect.

6 (Source: P.A. 93-605, eff. 11-19-03.)