

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 Sections 108-3, 108-6, 108-7, and 108-10 as
6 follows:

7 (725 ILCS 5/108-3) (from Ch. 38, par. 108-3)

8 Sec. 108-3. Grounds for search warrant.

9 (a) Except as provided in subsection (b) or (c), upon the
10 written complaint of any person under oath or affirmation which
11 states facts sufficient to show probable cause and which
12 particularly describes the place or person, or both, to be
13 searched and the things to be seized, any judge may issue a
14 search warrant for the seizure of the following:

15 (1) Any instruments, articles or things designed or
16 intended for use or which are or have been used in the
17 commission of, or which may constitute evidence of, the
18 offense in connection with which the warrant is issued; or
19 contraband, the fruits of crime, or things otherwise
20 criminally possessed.

21 (2) Any person who has been kidnaped in violation of
22 the laws of this State, or who has been kidnaped in another
23 jurisdiction and is now concealed within this State, or any

1 human fetus or human corpse.

2 (b) When the things to be seized are the work product of,
3 or used in the ordinary course of business, and in the
4 possession, custody, or control of any person known to be
5 engaged in the gathering or dissemination of news for the print
6 or broadcast media, no judge may issue a search warrant unless
7 the requirements set forth in subsection (a) are satisfied and
8 there is probable cause to believe that:

9 (1) such person has committed or is committing a
10 criminal offense; or

11 (2) the things to be seized will be destroyed or
12 removed from the State if the search warrant is not issued.

13 (c) Upon the written complaint of a person under oath or
14 affirmation which states facts sufficient to show probable
15 cause to install and use a tracking device, a judge may issue a
16 search warrant to install or otherwise activate and use a
17 tracking device. As used in this Section, "tracking device"
18 means an electronic or mechanical device which permits the
19 tracking of the movement of a person or object. A tracking
20 device search warrant must identify the person or property to
21 be tracked, if known, designate the judge to whom it must be
22 returned, and specify a reasonable length of time that the
23 device may be used. The time must not exceed 45 days from the
24 date the tracking device search warrant was issued. The court
25 may, for good cause, grant one or more extensions for a
26 reasonable period not to exceed 45 days each. The warrant may

1 authorize or direct a third party to perform the physical
2 installation of the tracking device or otherwise enable the
3 means by which the movement of the person or property named in
4 the tracking device search warrant may be tracked. The tracking
5 device search warrant must command the officer to:

6 (1) complete or cause to be completed the installation
7 authorized by the warrant within a specified time no longer
8 than 10 days from the date of issuance of the tracking
9 device search warrant;

10 (2) perform or cause to be performed the installation
11 authorized by the court at any time of any day or night;
12 and

13 (3) return the warrant to the judge designated in the
14 warrant.

15 (Source: P.A. 89-377, eff. 8-18-95.)

16 (725 ILCS 5/108-6) (from Ch. 38, par. 108-6)

17 Sec. 108-6. Execution of search warrants.

18 (a) A search ~~The~~ warrant issued under subsection (a) or (b)
19 of Section 108-3 of this Act shall be executed within 96 hours
20 from the time of issuance. If the warrant is executed the
21 duplicate copy shall be left with any person from whom any
22 instruments, articles or things are seized or if no person is
23 available the copy shall be left at the place from which the
24 instruments, articles or things were seized. Any warrant not
25 executed within such time shall be void and shall be returned

1 to the court of the judge issuing the same as "not executed".

2 (b) A tracking device search warrant issued under
3 subsection (c) of Section 108-3 of this Act shall specify a
4 reasonable length of time that the device may be used. The time
5 must not exceed 45 days from the date the tracking device
6 search warrant was issued. The court may, for good cause, grant
7 one or more extensions for a reasonable period not to exceed 45
8 days each. The tracking device search warrant shall command the
9 officer to complete, or cause to be completed, the installation
10 authorized by the warrant within a specified time no longer
11 than 10 days from the time of issuance of the tracking device
12 search warrant. The tracking device search warrant authorizes
13 the use of the tracking device within the State of Illinois,
14 and outside the State of Illinois if the tracking device was
15 installed within the State of Illinois or if the interception
16 of the tracking device information is occurring within the
17 State of Illinois. The officer executing a tracking device
18 warrant must enter on it the exact date and time the device was
19 installed or otherwise activated, the identity of the
20 individual or individuals responsible for the device's
21 installation or activation, and the period during which it was
22 used. Within 10 days after the use of the tracking device has
23 ended, the officer executing the warrant must return it to the
24 judge issuing the tracking device search warrant, or before a
25 judge named in the tracking device search warrant or before a
26 court of competent jurisdiction. Within 10 days after the use

1 of the tracking device has ended, the officer executing a
2 tracking device search warrant must serve a copy of the
3 tracking device search warrant on the person who was tracked or
4 whose property was tracked. Service may be accomplished by
5 delivering a copy to the person who, or whose property, was
6 tracked, if known, or by leaving a copy at the person's
7 residence or usual place of abode with an individual of
8 suitable age and discretion who resides at that location and by
9 mailing a copy to the person's last known address. Upon the
10 request of the State, the judge may delay notice. A warrant not
11 executed within that time shall be void and shall be returned
12 to the court of the judge issuing the same as "not executed".

13 (Source: Laws 1963, p. 2836.)

14 (725 ILCS 5/108-7) (from Ch. 38, par. 108-7)

15 Sec. 108-7. Command of search warrant.

16 (a) A search ~~The~~ warrant issued under subsection (a) or (b)
17 of Section 108-3 of this Act shall command the person directed
18 to execute the same to search the place or person particularly
19 described in the warrant and to seize the instruments, articles
20 or things particularly described in the warrant.

21 (b) A tracking device search warrant issued under
22 subsection (c) of Section 108-3 of this Act shall command the
23 person directed to execute the warrant to:

24 (1) complete or cause to be completed the installation
25 authorized by the warrant within a specified time no longer

1 than 10 days from the date of issuance of the tracking
2 device search warrant;

3 (2) perform or cause to be performed the installation
4 authorized by the court at any time of any day or night;
5 and

6 (3) return the warrant to the judge designated in the
7 warrant.

8 (c) The tracking device search warrant may authorize the
9 removal of the tracking device after the use of the tracking
10 device has ended from any public place where the tracking
11 device may be located.

12 (Source: Laws 1963, p. 2836.)

13 (725 ILCS 5/108-10) (from Ch. 38, par. 108-10)

14 Sec. 108-10. Return to court of things seized or data
15 collected.

16 (a) Except as provided in subsection (b), a ~~A~~ return of all
17 instruments, articles or things seized shall be made without
18 unnecessary delay before the judge issuing the warrant or
19 before any judge named in the search warrant or before any
20 court of competent jurisdiction. An inventory of any
21 instruments, articles or things seized shall be filed with the
22 return and signed under oath by the officer or person executing
23 the warrant. The judge shall upon request deliver a copy of the
24 inventory to the person from whom or from whose premises the
25 instruments, articles or things were taken and to the applicant

1 for the warrant.

2 (b) Within 10 days after the use of the tracking device has
3 ended, the officer executing the tracking device search warrant
4 must return it to the judge issuing the tracking device search
5 warrant, or before a judge named in the tracking device search
6 warrant or before a court of competent jurisdiction. The return
7 may take the form of a printout, or electronic copy, of the
8 electronic tracking device data.

9 (Source: Laws 1963, p. 2836.)