



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3202

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.9 new
720 ILCS 5/14-3

Amends the Illinois Vehicle Code. Requires all law enforcement patrol vehicles to be equipped with video recording equipment by July 1, 2014. This equipment must be capable of recording at least 10 hours of video footage and recording sound with the use of a wireless microphone. Patrol vehicles with in-car cameras are required to record when (1) the officer determines an enforcement stop is necessary and shall continue until the enforcement action has been completed, provided that the recording shall include any field sobriety tests administered during a DUI stop, including the administration of a portable breath test; (2) the patrol vehicle emergency lights are activated or when they would otherwise be activated if not for the need to conceal the presence of law enforcement, and shall continue until the reason for the activation ceases to exist, regardless of whether the emergency lights are no longer activated and, in the event of an arrest may not conclude before the subject is transported and leaves the vehicle; (3) the officer reasonably believes recording may assist with prosecution, enhance safety, or for any other lawful purpose and shall continue until the reason for recording ceases to exist. Requires audio and visual recordings of all Illinois Vehicle Code related stops. For DUI related stops, requires video recording of any observation periods, test refusal, and test administration, including those not conducted at the scene of the stop. Requires officers to report any equipment malfunction. Makes any video recording made under this Section subject to the Freedom of Information Act and subpoenas, but allows the department to charge a \$25 fee for compliance with any video production request for the purpose of recouping administrative costs. Effective July 1, 2014.

LRB098 09259 MLW 39398 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 11-501.9 as follows:

6 (625 ILCS 5/11-501.9 new)

7 Sec. 11-501.9. Audio and video recording.

8 (a) Definitions. As used in this Section:

9 "Audio recording" means the recorded conversation
10 between an officer and a second party.

11 "Emergency lights" means oscillating, rotating, or
12 flashing lights on patrol vehicles.

13 "Enforcement stop" means an action by a law enforcement
14 officer in relation to enforcement and investigation
15 duties, including but not limited to, traffic stops,
16 pedestrian stops, abandoned vehicle contacts, motorist
17 assists, commercial motor vehicle stops, roadside safety
18 checks, requests for identification, or responses to
19 requests for emergency assistance.

20 "In-car video camera" means a video camera located in a
21 law enforcement patrol vehicle.

22 "In-car video camera recording equipment" means a
23 video camera recording system located in a law enforcement

1 patrol vehicle consisting of a camera assembly, recording
2 mechanism, and an in-car video recording medium.

3 "Recording" means the process of capturing data or
4 information stored on a recording medium to include both
5 audio and video as required under this Section.

6 "Recording medium" means any recording medium
7 authorized by a law enforcement agency for the retention
8 and playback of recorded audio and video including, but not
9 limited to, VHS, DVD, hard drive, solid state, digital, or
10 flash memory technology.

11 "Wireless microphone" means a devise worn by the
12 officer or any other equipment used to record conversations
13 between the officer and a second party and transmitted to
14 the recording equipment.

15 (b) By July 1, 2014, all law enforcement agencies shall
16 install in-car video camera recording equipment in all patrol
17 vehicles. All patrol vehicles shall be equipped with in-car
18 video camera recording equipment with a recording medium
19 capable of recording for a period of 10 hours or more. In-car
20 video camera recording equipment shall be capable of making
21 audio recordings with the assistance of a wireless microphone.

22 (c) In-car video camera recording equipment with a
23 recording medium shall record activities outside a patrol
24 vehicle in the following circumstances:

25 (1) Recording for an enforcement stop shall begin when
26 the officer determines an enforcement stop is necessary and

1 shall continue until the enforcement action has been
2 completed, provided that, in the event the enforcement stop
3 involves an investigation for a violation of 625 ILCS
4 5/11-501 or a similar provision of a local ordinance, the
5 recording shall include any field sobriety tests
6 administered, including the administration of a portable
7 breath test pursuant to 625 ILCS 5/11-501.5.

8 (2) Recording shall begin when patrol vehicle
9 emergency lights are activated or when they would otherwise
10 be activated if not for the need to conceal the presence of
11 law enforcement, and shall continue until the reason for
12 the activation ceases to exist, regardless of whether the
13 emergency lights are no longer activated and, in the event
14 of an arrest may not conclude before the subject is
15 transported and leaves the vehicle.

16 (3) An officer may also begin recording if the officer
17 reasonably believes recording may assist with prosecution,
18 enhance safety, or for any other lawful purpose; and shall
19 continue until the reason for recording ceases to exist.

20 In-car video camera recording equipment with a recording
21 medium shall record activities inside the vehicle when
22 transporting an arrestee or when an officer reasonably believes
23 recording may assist with prosecution, enhance safety, or for
24 any other lawful purpose.

25 (d) In-car video camera recording equipment with a
26 recording medium capable of recording for a period of 10 hours

1 or more shall record activities whenever a patrol vehicle is
2 assigned to patrol duty.

3 (e) Any enforcement stop resulting from a suspected
4 violation of the Illinois Vehicle Code shall be video and audio
5 recorded. Audio recording shall terminate upon release of the
6 violator.

7 (f) In the event the subject of the enforcement stop is
8 charged with a violation of 625 ILCS 5/11-501 or a similar
9 provision of a local ordinance, the law enforcement agency
10 shall video and audio record the administration of the warning
11 to motorist pursuant to 625 ILCS 5/11-501.1, the 20-minute
12 observation period before the administration of any breath test
13 and the administration of a breath test pursuant to 625 ILCS
14 5/11-501.2 or the person's refusal submit to testing.

15 (g) Recordings shall be retained by the law enforcement
16 agency for a storage period of at least 90 days. Under no
17 circumstances shall any recording be altered or erased prior to
18 the expiration of the designated storage period. Upon
19 completion of the storage period, the recording medium may be
20 erased and reissued for operational use unless otherwise
21 ordered by the supervisor his or her designee or by a court, or
22 if designated for evidentiary or training purposes. Provided
23 that, in the event that the enforcement stop results in an
24 arrest for violation of 625 ILCS 5/11-501 or a similar
25 provision of a local ordinance, all recordings required
26 hereunder shall be retained until such time as the criminal

1 proceedings have terminated or as otherwise required by court
2 order, whichever is longer.

3 (h) Audio or video recordings made pursuant to this Section
4 shall be available under the applicable provisions of the
5 Freedom of Information Act. Only recorded portions of the audio
6 recording or video recording medium applicable to the request
7 will be available for inspection or copying. Such recordings
8 shall also be subject to subpoena where the law enforcement
9 stop has resulted in the filing of a criminal complaint.

10 The law enforcement agency shall ensure proper care and
11 maintenance of in-car video camera recording equipment and
12 recording medium and breath site video recording equipment and
13 recording medium as provided in paragraph (f) above. An officer
14 operating a patrol vehicle must immediately document and notify
15 a supervisor or his or her designee of any technical
16 difficulties, failures, or problems with the in-car video
17 camera recording equipment or recording medium or breath site
18 video recording equipment and recording medium. Upon receiving
19 notice, the supervisor or his or her designee shall make every
20 reasonable effort to correct and repair any of the and further,
21 determine if it is in the public interest to permit the use of
22 the patrol vehicle or breath test equipment.

23 (i) The law enforcement agency may assess the person
24 requesting any recording made hereunder a fee not to exceed
25 \$25.00 to recover the reasonable costs associated with
26 complying with the costs associated with complying with this

1 Section. Such fee may be waived where the requesting party is
2 found to be indigent by the Court.

3 (j) The Department of State Police may promulgate rules to
4 implement this Act.

5 Section 10. The Criminal Code of 2012 is amended by
6 changing Section 14-3 as follows:

7 (720 ILCS 5/14-3)

8 Sec. 14-3. Exemptions. The following activities shall be
9 exempt from the provisions of this Article:

10 (a) Listening to radio, wireless and television
11 communications of any sort where the same are publicly made;

12 (b) Hearing conversation when heard by employees of any
13 common carrier by wire incidental to the normal course of their
14 employment in the operation, maintenance or repair of the
15 equipment of such common carrier by wire so long as no
16 information obtained thereby is used or divulged by the hearer;

17 (c) Any broadcast by radio, television or otherwise whether
18 it be a broadcast or recorded for the purpose of later
19 broadcasts of any function where the public is in attendance
20 and the conversations are overheard incidental to the main
21 purpose for which such broadcasts are then being made;

22 (d) Recording or listening with the aid of any device to
23 any emergency communication made in the normal course of
24 operations by any federal, state or local law enforcement

1 agency or institutions dealing in emergency services,
2 including, but not limited to, hospitals, clinics, ambulance
3 services, fire fighting agencies, any public utility,
4 emergency repair facility, civilian defense establishment or
5 military installation;

6 (e) Recording the proceedings of any meeting required to be
7 open by the Open Meetings Act, as amended;

8 (f) Recording or listening with the aid of any device to
9 incoming telephone calls of phone lines publicly listed or
10 advertised as consumer "hotlines" by manufacturers or
11 retailers of food and drug products. Such recordings must be
12 destroyed, erased or turned over to local law enforcement
13 authorities within 24 hours from the time of such recording and
14 shall not be otherwise disseminated. Failure on the part of the
15 individual or business operating any such recording or
16 listening device to comply with the requirements of this
17 subsection shall eliminate any civil or criminal immunity
18 conferred upon that individual or business by the operation of
19 this Section;

20 (g) With prior notification to the State's Attorney of the
21 county in which it is to occur, recording or listening with the
22 aid of any device to any conversation where a law enforcement
23 officer, or any person acting at the direction of law
24 enforcement, is a party to the conversation and has consented
25 to it being intercepted or recorded under circumstances where
26 the use of the device is necessary for the protection of the

1 law enforcement officer or any person acting at the direction
2 of law enforcement, in the course of an investigation of a
3 forcible felony, a felony offense of involuntary servitude,
4 involuntary sexual servitude of a minor, or trafficking in
5 persons under Section 10-9 of this Code, an offense involving
6 prostitution, solicitation of a sexual act, or pandering, a
7 felony violation of the Illinois Controlled Substances Act, a
8 felony violation of the Cannabis Control Act, a felony
9 violation of the Methamphetamine Control and Community
10 Protection Act, any "streetgang related" or "gang-related"
11 felony as those terms are defined in the Illinois Streetgang
12 Terrorism Omnibus Prevention Act, or any felony offense
13 involving any weapon listed in paragraphs (1) through (11) of
14 subsection (a) of Section 24-1 of this Code. Any recording or
15 evidence derived as the result of this exemption shall be
16 inadmissible in any proceeding, criminal, civil or
17 administrative, except (i) where a party to the conversation
18 suffers great bodily injury or is killed during such
19 conversation, or (ii) when used as direct impeachment of a
20 witness concerning matters contained in the interception or
21 recording. The Director of the Department of State Police shall
22 issue regulations as are necessary concerning the use of
23 devices, retention of tape recordings, and reports regarding
24 their use;

25 (g-5) With approval of the State's Attorney of the county
26 in which it is to occur, recording or listening with the aid of

1 any device to any conversation where a law enforcement officer,
2 or any person acting at the direction of law enforcement, is a
3 party to the conversation and has consented to it being
4 intercepted or recorded in the course of an investigation of
5 any offense defined in Article 29D of this Code. In all such
6 cases, an application for an order approving the previous or
7 continuing use of an eavesdropping device must be made within
8 48 hours of the commencement of such use. In the absence of
9 such an order, or upon its denial, any continuing use shall
10 immediately terminate. The Director of State Police shall issue
11 rules as are necessary concerning the use of devices, retention
12 of tape recordings, and reports regarding their use.

13 Any recording or evidence obtained or derived in the course
14 of an investigation of any offense defined in Article 29D of
15 this Code shall, upon motion of the State's Attorney or
16 Attorney General prosecuting any violation of Article 29D, be
17 reviewed in camera with notice to all parties present by the
18 court presiding over the criminal case, and, if ruled by the
19 court to be relevant and otherwise admissible, it shall be
20 admissible at the trial of the criminal case.

21 This subsection (g-5) is inoperative on and after January
22 1, 2005. No conversations recorded or monitored pursuant to
23 this subsection (g-5) shall be inadmissible in a court of law
24 by virtue of the repeal of this subsection (g-5) on January 1,
25 2005;

26 (g-6) With approval of the State's Attorney of the county

1 in which it is to occur, recording or listening with the aid of
2 any device to any conversation where a law enforcement officer,
3 or any person acting at the direction of law enforcement, is a
4 party to the conversation and has consented to it being
5 intercepted or recorded in the course of an investigation of
6 involuntary servitude, involuntary sexual servitude of a
7 minor, trafficking in persons, child pornography, aggravated
8 child pornography, indecent solicitation of a child, child
9 abduction, luring of a minor, sexual exploitation of a child,
10 predatory criminal sexual assault of a child, aggravated
11 criminal sexual abuse in which the victim of the offense was at
12 the time of the commission of the offense under 18 years of
13 age, criminal sexual abuse by force or threat of force in which
14 the victim of the offense was at the time of the commission of
15 the offense under 18 years of age, or aggravated criminal
16 sexual assault in which the victim of the offense was at the
17 time of the commission of the offense under 18 years of age. In
18 all such cases, an application for an order approving the
19 previous or continuing use of an eavesdropping device must be
20 made within 48 hours of the commencement of such use. In the
21 absence of such an order, or upon its denial, any continuing
22 use shall immediately terminate. The Director of State Police
23 shall issue rules as are necessary concerning the use of
24 devices, retention of recordings, and reports regarding their
25 use. Any recording or evidence obtained or derived in the
26 course of an investigation of involuntary servitude,

1 involuntary sexual servitude of a minor, trafficking in
2 persons, child pornography, aggravated child pornography,
3 indecent solicitation of a child, child abduction, luring of a
4 minor, sexual exploitation of a child, predatory criminal
5 sexual assault of a child, aggravated criminal sexual abuse in
6 which the victim of the offense was at the time of the
7 commission of the offense under 18 years of age, criminal
8 sexual abuse by force or threat of force in which the victim of
9 the offense was at the time of the commission of the offense
10 under 18 years of age, or aggravated criminal sexual assault in
11 which the victim of the offense was at the time of the
12 commission of the offense under 18 years of age shall, upon
13 motion of the State's Attorney or Attorney General prosecuting
14 any case involving involuntary servitude, involuntary sexual
15 servitude of a minor, trafficking in persons, child
16 pornography, aggravated child pornography, indecent
17 solicitation of a child, child abduction, luring of a minor,
18 sexual exploitation of a child, predatory criminal sexual
19 assault of a child, aggravated criminal sexual abuse in which
20 the victim of the offense was at the time of the commission of
21 the offense under 18 years of age, criminal sexual abuse by
22 force or threat of force in which the victim of the offense was
23 at the time of the commission of the offense under 18 years of
24 age, or aggravated criminal sexual assault in which the victim
25 of the offense was at the time of the commission of the offense
26 under 18 years of age, be reviewed in camera with notice to all

1 parties present by the court presiding over the criminal case,
2 and, if ruled by the court to be relevant and otherwise
3 admissible, it shall be admissible at the trial of the criminal
4 case. Absent such a ruling, any such recording or evidence
5 shall not be admissible at the trial of the criminal case;

6 (h) Recordings made simultaneously with the use of an
7 in-car video camera recording of an oral conversation between a
8 uniformed peace officer, who has identified his or her office,
9 and a person in the presence of the peace officer whenever (i)
10 an officer assigned a patrol vehicle is conducting an
11 enforcement stop; or (ii) patrol vehicle emergency lights are
12 activated or would otherwise be activated if not for the need
13 to conceal the presence of law enforcement.

14 For the purposes of this subsection (h), "enforcement stop"
15 means an action by a law enforcement officer in relation to
16 enforcement and investigation duties, including but not
17 limited to, traffic stops, pedestrian stops, abandoned vehicle
18 contacts, motorist assists, commercial motor vehicle stops,
19 roadside safety checks, requests for identification, or
20 responses to requests for emergency assistance;

21 (h-5) Recordings of utterances made by a person while in
22 the presence of a uniformed peace officer and while an occupant
23 of a police vehicle including, but not limited to, (i)
24 recordings made simultaneously with the use of an in-car video
25 camera and (ii) recordings made in the presence of the peace
26 officer utilizing video or audio systems, or both, authorized

1 by the law enforcement agency;

2 (h-10) Recordings made simultaneously with a video camera
3 recording during the use of a taser or similar weapon or device
4 by a peace officer if the weapon or device is equipped with
5 such camera;

6 (h-15) Recordings made under subsection (h), (h-5), ~~or~~
7 (h-10), or (h-20) shall be retained by the law enforcement
8 agency that employs the peace officer who made the recordings
9 for a storage period of 90 days, unless the recordings are made
10 as a part of an arrest or the recordings are deemed evidence in
11 any criminal, civil, or administrative proceeding and then the
12 recordings must only be destroyed upon a final disposition and
13 an order from the court. Under no circumstances shall any
14 recording be altered or erased prior to the expiration of the
15 designated storage period. Upon completion of the storage
16 period, the recording medium may be erased and reissued for
17 operational use;

18 (h-20) Recordings of activities at an evidentiary breath
19 alcohol test site made under Section 11-501.9 of the Illinois
20 Vehicle Code;

21 (i) Recording of a conversation made by or at the request
22 of a person, not a law enforcement officer or agent of a law
23 enforcement officer, who is a party to the conversation, under
24 reasonable suspicion that another party to the conversation is
25 committing, is about to commit, or has committed a criminal
26 offense against the person or a member of his or her immediate

1 household, and there is reason to believe that evidence of the
2 criminal offense may be obtained by the recording;

3 (j) The use of a telephone monitoring device by either (1)
4 a corporation or other business entity engaged in marketing or
5 opinion research or (2) a corporation or other business entity
6 engaged in telephone solicitation, as defined in this
7 subsection, to record or listen to oral telephone solicitation
8 conversations or marketing or opinion research conversations
9 by an employee of the corporation or other business entity
10 when:

11 (i) the monitoring is used for the purpose of service
12 quality control of marketing or opinion research or
13 telephone solicitation, the education or training of
14 employees or contractors engaged in marketing or opinion
15 research or telephone solicitation, or internal research
16 related to marketing or opinion research or telephone
17 solicitation; and

18 (ii) the monitoring is used with the consent of at
19 least one person who is an active party to the marketing or
20 opinion research conversation or telephone solicitation
21 conversation being monitored.

22 No communication or conversation or any part, portion, or
23 aspect of the communication or conversation made, acquired, or
24 obtained, directly or indirectly, under this exemption (j), may
25 be, directly or indirectly, furnished to any law enforcement
26 officer, agency, or official for any purpose or used in any

1 inquiry or investigation, or used, directly or indirectly, in
2 any administrative, judicial, or other proceeding, or divulged
3 to any third party.

4 When recording or listening authorized by this subsection
5 (j) on telephone lines used for marketing or opinion research
6 or telephone solicitation purposes results in recording or
7 listening to a conversation that does not relate to marketing
8 or opinion research or telephone solicitation; the person
9 recording or listening shall, immediately upon determining
10 that the conversation does not relate to marketing or opinion
11 research or telephone solicitation, terminate the recording or
12 listening and destroy any such recording as soon as is
13 practicable.

14 Business entities that use a telephone monitoring or
15 telephone recording system pursuant to this exemption (j) shall
16 provide current and prospective employees with notice that the
17 monitoring or recordings may occur during the course of their
18 employment. The notice shall include prominent signage
19 notification within the workplace.

20 Business entities that use a telephone monitoring or
21 telephone recording system pursuant to this exemption (j) shall
22 provide their employees or agents with access to personal-only
23 telephone lines which may be pay telephones, that are not
24 subject to telephone monitoring or telephone recording.

25 For the purposes of this subsection (j), "telephone
26 solicitation" means a communication through the use of a

1 telephone by live operators:

2 (i) soliciting the sale of goods or services;

3 (ii) receiving orders for the sale of goods or
4 services;

5 (iii) assisting in the use of goods or services; or

6 (iv) engaging in the solicitation, administration, or
7 collection of bank or retail credit accounts.

8 For the purposes of this subsection (j), "marketing or
9 opinion research" means a marketing or opinion research
10 interview conducted by a live telephone interviewer engaged by
11 a corporation or other business entity whose principal business
12 is the design, conduct, and analysis of polls and surveys
13 measuring the opinions, attitudes, and responses of
14 respondents toward products and services, or social or
15 political issues, or both;

16 (k) Electronic recordings, including but not limited to, a
17 motion picture, videotape, digital, or other visual or audio
18 recording, made of a custodial interrogation of an individual
19 at a police station or other place of detention by a law
20 enforcement officer under Section 5-401.5 of the Juvenile Court
21 Act of 1987 or Section 103-2.1 of the Code of Criminal
22 Procedure of 1963;

23 (l) Recording the interview or statement of any person when
24 the person knows that the interview is being conducted by a law
25 enforcement officer or prosecutor and the interview takes place
26 at a police station that is currently participating in the

1 Custodial Interview Pilot Program established under the
2 Illinois Criminal Justice Information Act;

3 (m) An electronic recording, including but not limited to,
4 a motion picture, videotape, digital, or other visual or audio
5 recording, made of the interior of a school bus while the
6 school bus is being used in the transportation of students to
7 and from school and school-sponsored activities, when the
8 school board has adopted a policy authorizing such recording,
9 notice of such recording policy is included in student
10 handbooks and other documents including the policies of the
11 school, notice of the policy regarding recording is provided to
12 parents of students, and notice of such recording is clearly
13 posted on the door of and inside the school bus.

14 Recordings made pursuant to this subsection (m) shall be
15 confidential records and may only be used by school officials
16 (or their designees) and law enforcement personnel for
17 investigations, school disciplinary actions and hearings,
18 proceedings under the Juvenile Court Act of 1987, and criminal
19 prosecutions, related to incidents occurring in or around the
20 school bus;

21 (n) Recording or listening to an audio transmission from a
22 microphone placed by a person under the authority of a law
23 enforcement agency inside a bait car surveillance vehicle while
24 simultaneously capturing a photographic or video image;

25 (o) The use of an eavesdropping camera or audio device
26 during an ongoing hostage or barricade situation by a law

1 enforcement officer or individual acting on behalf of a law
2 enforcement officer when the use of such device is necessary to
3 protect the safety of the general public, hostages, or law
4 enforcement officers or anyone acting on their behalf;

5 (p) Recording or listening with the aid of any device to
6 incoming telephone calls of phone lines publicly listed or
7 advertised as the "CPS Violence Prevention Hotline", but only
8 where the notice of recording is given at the beginning of each
9 call as required by Section 34-21.8 of the School Code. The
10 recordings may be retained only by the Chicago Police
11 Department or other law enforcement authorities, and shall not
12 be otherwise retained or disseminated; and

13 (q) (1) With prior request to and verbal approval of the
14 State's Attorney of the county in which the conversation is
15 anticipated to occur, recording or listening with the aid of an
16 eavesdropping device to a conversation in which a law
17 enforcement officer, or any person acting at the direction of a
18 law enforcement officer, is a party to the conversation and has
19 consented to the conversation being intercepted or recorded in
20 the course of an investigation of a drug offense. The State's
21 Attorney may grant this verbal approval only after determining
22 that reasonable cause exists to believe that a drug offense
23 will be committed by a specified individual or individuals
24 within a designated period of time.

25 (2) Request for approval. To invoke the exception contained
26 in this subsection (q), a law enforcement officer shall make a

1 written or verbal request for approval to the appropriate
2 State's Attorney. This request for approval shall include
3 whatever information is deemed necessary by the State's
4 Attorney but shall include, at a minimum, the following
5 information about each specified individual whom the law
6 enforcement officer believes will commit a drug offense:

7 (A) his or her full or partial name, nickname or alias;

8 (B) a physical description; or

9 (C) failing either (A) or (B) of this paragraph (2),
10 any other supporting information known to the law
11 enforcement officer at the time of the request that gives
12 rise to reasonable cause to believe the individual will
13 commit a drug offense.

14 (3) Limitations on verbal approval. Each verbal approval by
15 the State's Attorney under this subsection (q) shall be limited
16 to:

17 (A) a recording or interception conducted by a
18 specified law enforcement officer or person acting at the
19 direction of a law enforcement officer;

20 (B) recording or intercepting conversations with the
21 individuals specified in the request for approval,
22 provided that the verbal approval shall be deemed to
23 include the recording or intercepting of conversations
24 with other individuals, unknown to the law enforcement
25 officer at the time of the request for approval, who are
26 acting in conjunction with or as co-conspirators with the

1 individuals specified in the request for approval in the
2 commission of a drug offense;

3 (C) a reasonable period of time but in no event longer
4 than 24 consecutive hours.

5 (4) Admissibility of evidence. No part of the contents of
6 any wire, electronic, or oral communication that has been
7 recorded or intercepted as a result of this exception may be
8 received in evidence in any trial, hearing, or other proceeding
9 in or before any court, grand jury, department, officer,
10 agency, regulatory body, legislative committee, or other
11 authority of this State, or a political subdivision of the
12 State, other than in a prosecution of:

13 (A) a drug offense;

14 (B) a forcible felony committed directly in the course
15 of the investigation of a drug offense for which verbal
16 approval was given to record or intercept a conversation
17 under this subsection (q); or

18 (C) any other forcible felony committed while the
19 recording or interception was approved in accordance with
20 this Section (q), but for this specific category of
21 prosecutions, only if the law enforcement officer or person
22 acting at the direction of a law enforcement officer who
23 has consented to the conversation being intercepted or
24 recorded suffers great bodily injury or is killed during
25 the commission of the charged forcible felony.

26 (5) Compliance with the provisions of this subsection is a

1 prerequisite to the admissibility in evidence of any part of
2 the contents of any wire, electronic or oral communication that
3 has been intercepted as a result of this exception, but nothing
4 in this subsection shall be deemed to prevent a court from
5 otherwise excluding the evidence on any other ground, nor shall
6 anything in this subsection be deemed to prevent a court from
7 independently reviewing the admissibility of the evidence for
8 compliance with the Fourth Amendment to the U.S. Constitution
9 or with Article I, Section 6 of the Illinois Constitution.

10 (6) Use of recordings or intercepts unrelated to drug
11 offenses. Whenever any wire, electronic, or oral communication
12 has been recorded or intercepted as a result of this exception
13 that is not related to a drug offense or a forcible felony
14 committed in the course of a drug offense, no part of the
15 contents of the communication and evidence derived from the
16 communication may be received in evidence in any trial,
17 hearing, or other proceeding in or before any court, grand
18 jury, department, officer, agency, regulatory body,
19 legislative committee, or other authority of this State, or a
20 political subdivision of the State, nor may it be publicly
21 disclosed in any way.

22 (7) Definitions. For the purposes of this subsection (q)
23 only:

24 "Drug offense" includes and is limited to a felony
25 violation of one of the following: (A) the Illinois
26 Controlled Substances Act, (B) the Cannabis Control Act,

1 and (C) the Methamphetamine Control and Community
2 Protection Act.

3 "Forcible felony" includes and is limited to those
4 offenses contained in Section 2-8 of the Criminal Code of
5 1961 as of the effective date of this amendatory Act of the
6 97th General Assembly, and only as those offenses have been
7 defined by law or judicial interpretation as of that date.

8 "State's Attorney" includes and is limited to the
9 State's Attorney or an assistant State's Attorney
10 designated by the State's Attorney to provide verbal
11 approval to record or intercept conversations under this
12 subsection (q).

13 (8) Sunset. This subsection (q) is inoperative on and after
14 January 1, 2015. No conversations intercepted pursuant to this
15 subsection (q), while operative, shall be inadmissible in a
16 court of law by virtue of the inoperability of this subsection
17 (q) on January 1, 2015.

18 (Source: P.A. 96-425, eff. 8-13-09; 96-547, eff. 1-1-10;
19 96-643, eff. 1-1-10; 96-670, eff. 8-25-09; 96-1000, eff.
20 7-2-10; 96-1425, eff. 1-1-11; 96-1464, eff. 8-20-10; 97-333,
21 eff. 8-12-11; 97-846, eff. 1-1-13; 97-897, eff. 1-1-13; revised
22 8-23-12.)

23 Section 99. Effective date. This Act takes effect July 1,
24 2014.