



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3299

by Rep. Darlene J. Senger

SYNOPSIS AS INTRODUCED:

720 ILCS 5/14-3

Amends the Criminal Code of 2012 concerning exceptions to eavesdropping violations. Provides that with prior request to and verbal approval of the State's Attorney of the county in which the conversation is anticipated to occur, recording or listening with the aid of an eavesdropping device to a conversation in which a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of a sex offense is permitted. Defines "sex offense" as including and limited to involuntary servitude, involuntary sexual servitude of a minor, trafficking in persons, child pornography, aggravated child pornography, indecent solicitation of a child, child abduction, luring of a minor, traveling to meet a minor for sexual conduct, sexual exploitation of a child, grooming, predatory criminal sexual assault of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or aggravated criminal sexual assault in which the victim of the offense was at the time of the commission of the offense under 18 years of age.

LRB098 09083 RLC 39220 b

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 2012 is amended by changing
5 Section 14-3 as follows:

6 (720 ILCS 5/14-3)

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

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

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

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

21 (d) Recording or listening with the aid of any device to
22 any emergency communication made in the normal course of
23 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 prior request to and verbal approval of the

1 State's Attorney of the county in which the conversation is
2 anticipated to occur ~~it is to occur~~, recording or listening
3 with the aid of an eavesdropping device to a ~~any device to any~~
4 conversation in which ~~where~~ a law enforcement officer, or any
5 person acting at the direction of law enforcement, is a party
6 to the conversation and has consented to it being intercepted
7 or recorded in the course of an investigation of a sex offense
8 as defined in paragraph (6). The State's Attorney may grant
9 this verbal approval only after determining that reasonable
10 cause exists to believe that a sex offense will be committed by
11 a specified individual or individuals within a designated
12 period of time.

13 (1) Request for approval. To invoke the exception contained
14 in this subsection (g-6), a law enforcement officer shall make
15 a written or verbal request for approval to the appropriate
16 State's Attorney. This request for approval shall include
17 whatever information is deemed necessary by the State's
18 Attorney but shall include, at a minimum, the following
19 information about each specified individual whom the law
20 enforcement officer believes will commit a sex offense:

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

22 (B) a physical description; or

23 (C) failing either subparagraph (A) or (B) of this
24 paragraph (1), any other supporting information known to
25 the law enforcement officer at the time of the request that
26 gives rise to reasonable cause to believe the individual

1 will commit a sex offense.

2 (2) Limitations on verbal approval. Each verbal approval by
3 the State's Attorney under this subsection (g-6) shall be
4 limited to:

5 (A) a recording or interception conducted by a
6 specified law enforcement officer or person acting at the
7 direction of a law enforcement officer;

8 (B) recording or intercepting conversations with the
9 individuals specified in the request for approval,
10 provided that the verbal approval shall be deemed to
11 include the recording or intercepting of conversations
12 with other individuals, unknown to the law enforcement
13 officer at the time of the request for approval, who are
14 acting in conjunction with or as co-conspirators with the
15 individuals specified in the request for approval in the
16 commission of a sex offense;

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

19 (3) Admissibility of evidence. No part of the contents of
20 any wire, electronic, or oral communication that has been
21 recorded or intercepted as a result of this exception may be
22 received in evidence in any trial, hearing, or other proceeding
23 in or before any court, grand jury, department, officer,
24 agency, regulatory body, legislative committee, or other
25 authority of this State, or a political subdivision of the
26 State, other than in a prosecution of:

1 (A) a sex offense;

2 (B) a forcible felony committed directly in the course
3 of the investigation of a sex offense for which verbal
4 approval was given to record or intercept a conversation
5 under this subsection (g-6); or

6 (C) any other forcible felony committed while the
7 recording or interception was approved in accordance with
8 this Section (g-6), but for this specific category of
9 prosecutions, only if the law enforcement officer or person
10 acting at the direction of a law enforcement officer who
11 has consented to the conversation being intercepted or
12 recorded suffers great bodily injury or is killed during
13 the commission of the charged forcible felony.

14 (4) Compliance with the provisions of this subsection is a
15 prerequisite to the admissibility in evidence of any part of
16 the contents of any wire, electronic or oral communication that
17 has been intercepted as a result of this exception, but nothing
18 in this subsection shall be deemed to prevent a court from
19 otherwise excluding the evidence on any other ground, nor shall
20 anything in this subsection be deemed to prevent a court from
21 independently reviewing the admissibility of the evidence for
22 compliance with the Fourth Amendment to the U.S. Constitution
23 or with Article I, Section 6 of the Illinois Constitution.

24 (5) Use of recordings or intercepts unrelated to sex
25 offenses. Whenever any wire, electronic, or oral communication
26 has been recorded or intercepted as a result of this exception

1 that is not related to a sex offense or a forcible felony
2 committed in the course of a sex offense, no part of the
3 contents of the communication and evidence derived from the
4 communication may be received in evidence in any trial,
5 hearing, or other proceeding in or before any court, grand
6 jury, department, officer, agency, regulatory body,
7 legislative committee, or other authority of this State, or a
8 political subdivision of the State, nor may it be publicly
9 disclosed in any way.

10 (6) Definitions. For the purposes of this subsection (g-6)
11 only:

12 "Sex offense" includes and is limited to involuntary
13 servitude, involuntary sexual servitude of a minor,
14 trafficking in persons, child pornography, aggravated
15 child pornography, indecent solicitation of a child, child
16 abduction, luring of a minor, traveling to meet a minor for
17 sexual conduct, sexual exploitation of a child, grooming,
18 predatory criminal sexual assault of a child, aggravated
19 criminal sexual abuse in which the victim of the offense
20 was at the time of the commission of the offense under 18
21 years of age, criminal sexual abuse by force or threat of
22 force in which the victim of the offense was at the time of
23 the commission of the offense under 18 years of age, or
24 aggravated criminal sexual assault in which the victim of
25 the offense was at the time of the commission of the
26 offense under 18 years of age.

1 "Child" means a person under 17 years of age.

2 "State's Attorney" includes and is limited to the
3 State's Attorney or an assistant State's Attorney
4 designated by the State's Attorney to provide verbal
5 approval to record or intercept conversations under this
6 subsection (q-6); ~~involuntary servitude, involuntary~~
7 ~~sexual servitude of a minor, trafficking in persons, child~~
8 ~~pornography, aggravated child pornography, indecent~~
9 ~~solicitation of a child, child abduction, luring of a~~
10 ~~minor, sexual exploitation of a child, predatory criminal~~
11 ~~sexual assault of a child, aggravated criminal sexual abuse~~
12 ~~in which the victim of the offense was at the time of the~~
13 ~~commission of the offense under 18 years of age, criminal~~
14 ~~sexual abuse by force or threat of force in which the~~
15 ~~victim of the offense was at the time of the commission of~~
16 ~~the offense under 18 years of age, or aggravated criminal~~
17 ~~sexual assault in which the victim of the offense was at~~
18 ~~the time of the commission of the offense under 18 years of~~
19 ~~age. In all such cases, an application for an order~~
20 ~~approving the previous or continuing use of an~~
21 ~~eavesdropping device must be made within 48 hours of the~~
22 ~~commencement of such use. In the absence of such an order,~~
23 ~~or upon its denial, any continuing use shall immediately~~
24 ~~terminate. The Director of State Police shall issue rules~~
25 ~~as are necessary concerning the use of devices, retention~~
26 ~~of recordings, and reports regarding their use. Any~~

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

~~age, or aggravated criminal sexual assault in which the
victim of the offense was at the time of the commission of
the offense under 18 years of age, be reviewed in camera
with notice to all parties present by the court presiding
over the criminal case, and, if ruled by the court to be
relevant and otherwise admissible, it shall be admissible
at the trial of the criminal case. Absent such a ruling,
any such recording or evidence shall not be admissible at
the trial of the criminal case;~~

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

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

(h-5) Recordings of utterances made by a person while in the presence of a uniformed peace officer and while an occupant

1 of a police vehicle including, but not limited to, (i)
2 recordings made simultaneously with the use of an in-car video
3 camera and (ii) recordings made in the presence of the peace
4 officer utilizing video or audio systems, or both, authorized
5 by the law enforcement agency;

6 (h-10) Recordings made simultaneously with a video camera
7 recording during the use of a taser or similar weapon or device
8 by a peace officer if the weapon or device is equipped with
9 such camera;

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

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

1 offense against the person or a member of his or her immediate
2 household, and there is reason to believe that evidence of the
3 criminal offense may be obtained by the recording;

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

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

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

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

1 officer, agency, or official for any purpose or used in any
2 inquiry or investigation, or used, directly or indirectly, in
3 any administrative, judicial, or other proceeding, or divulged
4 to any third party.

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

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

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

26 For the purposes of this subsection (j), "telephone

1 solicitation" means a communication through the use of a
2 telephone by live operators:

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

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

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

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

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

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

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

1 at a police station that is currently participating in the
2 Custodial Interview Pilot Program established under the
3 Illinois Criminal Justice Information Act;

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

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

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

26 (o) The use of an eavesdropping camera or audio device

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

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

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

26 (2) Request for approval. To invoke the exception contained

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

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

9 (B) a physical description; or

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

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

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

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

1 acting in conjunction with or as co-conspirators with the
2 individuals specified in the request for approval in the
3 commission of a drug offense;

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

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

14 (A) a drug offense;

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

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

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

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

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

25 "Drug offense" includes and is limited to a felony
26 violation of one of the following: (A) the Illinois

1 Controlled Substances Act, (B) the Cannabis Control Act,
2 and (C) the Methamphetamine Control and Community
3 Protection Act.

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

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

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

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