

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 115-5 as follows:

6 (725 ILCS 5/115-5) (from Ch. 38, par. 115-5)

7 Sec. 115-5. Business records as evidence.

8 (a) Any writing or record, whether in the form of an entry
9 in a book or otherwise, made as a memorandum or record of any
10 act, transaction, occurrence, or event, shall be admissible as
11 evidence of such act, transaction, occurrence, or event, if
12 made in regular course of any business, and if it was the
13 regular course of such business to make such memorandum or
14 record at the time of such act, transaction, occurrence, or
15 event or within a reasonable time thereafter.

16 All other circumstances of the making of such writing or
17 record, including lack of personal knowledge by the entrant or
18 maker, may be shown to affect its weight, but such
19 circumstances shall not affect its admissibility.

20 The term "business," as used in this Section, includes
21 business, profession, occupation, and calling of every kind.

22 (b) If any business, institution, member of a profession or
23 calling, or any department or agency of government, in the

1 regular course of business or activity has kept or recorded any
2 memorandum, writing, entry, print, representation or
3 combination thereof, of any act, transaction, occurrence, or
4 event, and in the regular course of business has caused any or
5 all of the same to be recorded, copied, or reproduced by any
6 photographic, photostatic, microfilm, micro-card, miniature
7 photographic, optical imaging, or other process which
8 accurately reproduces or forms a medium for so reproducing the
9 original, the original may be destroyed in the regular course
10 of business unless its preservation is required by law. Such
11 reproduction, when satisfactorily identified, is as admissible
12 in evidence as the original itself in any proceeding whether
13 the original is in existence or not and an enlargement or
14 facsimile of such reproduction is likewise admissible in
15 evidence if the original reproduction is in existence and
16 available for inspection under direction of court. The
17 introduction of a reproduced record, enlargement, or facsimile
18 does not preclude admission of the original. This Section shall
19 not be construed to exclude from evidence any document or copy
20 thereof which is otherwise admissible under the rules of
21 evidence.

22 (c) No writing or record made in the regular course of any
23 business shall become admissible as evidence by the application
24 of this Section if:

25 (1) Such writing or record has been made by anyone in
26 the regular course of any form of hospital or medical

1 business; or

2 (2) Such writing or record has been made by anyone
3 during an investigation of an alleged offense or during any
4 investigation relating to pending or anticipated
5 litigation of any kind, except during a hearing to revoke a
6 sentence of probation or conditional discharge or an order
7 of court supervision that is based on a technical violation
8 of a sentencing order when the hearing involves a
9 probationer or defendant who has transferred or moved from
10 the county having jurisdiction over the original charge or
11 sentence. For the purposes of this subsection (c),
12 "technical violation" means a breach of a sentencing order
13 but does not include an allegation of a subsequent criminal
14 act asserted in a formal criminal charge.

15 (d) Upon request of the moving party and with reasonable
16 notice given to the opposing party, in a criminal prosecution
17 in which the defendant is accused of an offense under Article
18 16 or 17 of the Criminal Code of 1961 or the Criminal Code of
19 2012, the court may, after a hearing, for good cause and upon
20 appropriate safeguards, permit live foundational testimony
21 business records as evidence, subject to cross-examination, in
22 open court by means of a contemporaneous audio and video
23 transmission from outside of this State.

24 (Source: P.A. 91-548, eff. 1-1-00.)