



Rep. Dan Brady

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09800SB1968ham001

LRB098 06547 MRW 45308 a

1 AMENDMENT TO SENATE BILL 1968

2 AMENDMENT NO. _____. Amend Senate Bill 1968 by replacing
3 everything after the enacting clause with the following:

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

1 record, including lack of personal knowledge by the entrant or
2 maker, may be shown to affect its weight, but such
3 circumstances shall not affect its admissibility.

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

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

1 thereof which is otherwise admissible under the rules of
2 evidence.

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

6 (1) Such writing or record has been made by anyone in
7 the regular course of any form of hospital or medical
8 business; or

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

22 (d) Upon request of the moving party and with reasonable
23 notice given to the opposing party, in a criminal prosecution
24 in which the defendant is accused of an offense under Article
25 16 or 17 of the Criminal Code of 1961 or the Criminal Code of
26 2012, the court may, after a hearing, for good cause and upon

1 appropriate safeguards, permit live foundational testimony
2 business records as evidence, subject to cross examination, in
3 open court by means of a contemporaneous audio and video
4 transmission from outside of this State.

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