

# HB5519



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5519

by Rep. Camille Y. Lilly

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/112-6

from Ch. 38, par. 112-6

Amends the Code of Criminal Procedure of 1963. Provides that Grand Jury proceedings involving the investigation of the excessive use of force by a peace officer and the discharge of a firearm by a peace officer that result in death or any bodily harm are open to the public. Defines "excessive use of force" and "peace officer". Effective immediately.

LRB099 18927 RLC 43315 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 112-6 as follows:

6 (725 ILCS 5/112-6) (from Ch. 38, par. 112-6)

7 Sec. 112-6. Secrecy of proceedings.) (a) Except as  
8 otherwise provided in subsection (b-5) of this Section, only  
9 ~~Only~~ the State's Attorney, his reporter and any other person  
10 authorized by the court or by law may attend the sessions of  
11 the Grand Jury. Except as otherwise provided in subsection  
12 (b-5) of this Section, only ~~Only~~ the grand jurors shall be  
13 present during the deliberations and vote of the Grand Jury. If  
14 no reporter is assigned by the State's Attorney to attend the  
15 sessions of the Grand Jury, the court shall appoint such  
16 reporter.

17 (b) Matters other than the deliberations and vote of any  
18 grand juror shall not be disclosed by the State's Attorney,  
19 except as otherwise provided for in subsections (b-5) and  
20 ~~subsection~~ (c) of this Section. The court may direct that a  
21 Bill of Indictment be kept secret until the defendant is in  
22 custody or has given bail and in either event the clerk shall  
23 seal the Bill of Indictment and no person shall disclose the

1 finding of the Bill of Indictment except when necessary for the  
2 issuance and execution of a warrant.

3 (b-5) Grand Jury proceedings involving the investigation  
4 of the excessive use of force by a peace officer and the  
5 discharge of a firearm by a peace officer that result in death  
6 or any bodily harm are open to the public.

7 (c) (1) Disclosure otherwise prohibited by this Section of  
8 matters occurring before the Grand Jury, other than its  
9 deliberations and the vote of any grand juror, may be made to:

10 a. a State's Attorney for use in the performance of such  
11 State's Attorney's duty; and

12 b. such government personnel as are deemed necessary by the  
13 State's Attorney in the performance of such State's Attorney's  
14 duty to enforce State criminal law.

15 (2) Any person to whom matters are disclosed under  
16 paragraph (1) of this subsection (c) shall not use the Grand  
17 Jury material for any purpose other than assisting the State's  
18 Attorney in the performance of such State's Attorney's duty to  
19 enforce State criminal law. The State's Attorney shall promptly  
20 provide the court, before which was impaneled the Grand Jury  
21 whose material has been disclosed, with the names of the  
22 persons to whom such disclosure has been made.

23 (3) Disclosure otherwise prohibited by this Section of  
24 matters occurring before the Grand Jury may also be made when  
25 the court, preliminary to or in connection with a judicial  
26 proceeding, directs such in the interests of justice or when a

1 law so directs.

2 (d) Any grand juror or officer of the court who discloses,  
3 other than to his attorney, matters occurring before the Grand  
4 Jury other than in accordance with the provisions of this  
5 Section ~~subsection~~ or Section 112-7 shall be punished as a  
6 contempt of court, subject to proceedings in accordance to law.

7 (e) As used in this Section:

8 "Excessive use of force" means force that is not  
9 justified under Article 7 of the Criminal Code of 2012.

10 "Peace officer" has the meaning ascribed to it in  
11 Section 2-13 of the Criminal Code of 2012.

12 (Source: P.A. 85-690.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.