

1 AN ACT concerning criminal procedure.

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 108B-8 as follows:

6 (725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

7 Sec. 108B-8. Emergency use of eavesdropping device.

8 (a) An electronic criminal surveillance officer,
9 pecially designated by the State's Attorney, may intercept a
10 private oral communication, without an order, when he or she
11 reasonably Whenever, upon informal application by the State's
12 Attorney, a chief judge of competent jurisdiction determines
13 that:

14 (1) there are may--be grounds upon which an order
15 could be issued under this Article to authorize an
16 interception;

17 (2) there is probable cause to believe that an
18 emergency situation exists with respect to the
19 investigation of an offense enumerated in Section 108B-3;
20 and

21 (3) there is probable cause to believe that an
22 emergency situation exists that involves immediate danger
23 of death or serious physical injury to any person a
24 substantial--danger--to-life-or-limb-exists justifying an
25 the-authorization-for immediate interception of a private
26 oral communication before formal application for an order
27 could with due diligence be submitted to him and acted
28 upon by the chief judge of competent jurisdiction.

29 The electronic criminal surveillance officer shall file
30 may-grant-oral--approval--for--an--intereception,--without--an
31 order,--conditioned-upon-the-filing with the chief judge him,

1 within 48 hours after the interception begins, of an
2 application for an order under Sections 108B-3 and Section
3 108B-4. The application shall ~~which shall--also~~ recite the
4 interception oral--approval under this Section. The order
5 shall and be retroactive to the time of the interception
6 began to occur oral--approval.

7 (b) Interception under ~~oral--approval--under~~ this Section
8 shall immediately terminate when the communication sought is
9 obtained or when the application for an order is denied,
10 whichever is earlier.

11 (c) In the event no formal application for an order is
12 subsequently made under this Section, the content of any
13 private oral communication intercepted under ~~oral--approval~~
14 under this Section shall be treated as having been obtained
15 in violation of this Article.

16 (d) In the event no application for an order is made
17 under this Section or an application made under this Section
18 is subsequently denied, the judge shall cause an inventory to
19 be served under Section 108B-11 of this Article and shall
20 require the tape or other recording of the intercepted
21 communication to be delivered to, and sealed by, the judge.
22 The evidence shall be retained by the court, and it shall not
23 be used or disclosed in any legal proceeding, except a civil
24 action brought by an aggrieved person under Section 14-6 of
25 the Criminal Code of 1961, or as otherwise authorized by the
26 order of a court of competent jurisdiction. In addition to
27 other remedies or penalties provided by law, failure to
28 deliver any tape or other recording to the chief judge shall
29 be punishable as contempt by the judge directing the
30 delivery.

31 (e) If at least one electronic criminal surveillance
32 officer is present at the scene of the emergency situation,
33 any other police officer involved in the response to the
34 emergency is authorized to overhear any oral communication

1 intercepted under this Section.

2 (Source: P.A. 85-1203.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.