

1 AN ACT in relation to 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 Sections 108A-1, 108A-5, and 108A-8 as
6 follows:

7 (725 ILCS 5/108A-1) (from Ch. 38, par. 108A-1)

8 Sec. 108A-1. Authorization for use of eavesdropping
9 device. The State's Attorney or a designee authorized by the
10 State's Attorney may authorize an application to a circuit
11 judge or an associate judge assigned by the Chief Judge of
12 the circuit for, and such judge may grant in conformity with
13 this Article, an order authorizing or approving the use of an
14 eavesdropping device by a law enforcement officer or agency
15 having the responsibility for the investigation of any felony
16 under Illinois law where any one party to a conversation to
17 be monitored, or previously monitored in the case of an
18 emergency situation as defined in this Article, has consented
19 to such monitoring.

20 The Chief Judge of the circuit may assign to associate
21 judges the power to issue orders authorizing or approving the
22 use of eavesdropping devices by law enforcement officers or
23 agencies in accordance with this Article. After assignment by
24 the Chief Judge, an associate judge shall have plenary
25 authority to issue such orders without additional
26 authorization for each specific application made to him by
27 the State's Attorney until such time as the associate judge's
28 power is rescinded by the Chief Judge.

29 (Source: P.A. 86-391.)

30 (725 ILCS 5/108A-5) (from Ch. 38, par. 108A-5)

1 Sec. 108A-5. Orders Authorizing Use of an Eavesdropping
2 Device.

3 (a) Each order authorizing or approving the use of an
4 eavesdropping device shall specify:

5 (1) the identity of the person who has consented to the
6 use of the device to monitor any of his conversations and a
7 requirement that any conversation overheard or received must
8 include this person;

9 (2) the identity of the other person or persons, if
10 known, who will participate in the conversation;

11 (3) the period of time in which the use of the device is
12 authorized, including a statement as to whether or not the
13 use shall automatically terminate when the described
14 conversations have been first obtained.

15 (b) No order entered under this section may authorize or
16 approve the use of any eavesdropping device for any period
17 longer than 30 ~~10~~ days. An initial or a subsequent
18 extension, in no case for more than 30 ~~10~~ days each, of an
19 order may be granted but only upon application made in
20 accordance with Section 108A-3 and where the court makes the
21 findings required in Section 108A-4.

22 (Source: P.A. 79-1159.)

23 (725 ILCS 5/108A-8) (from Ch. 38, par. 108A-8)

24 Sec. 108A-8. Notice to Parties Overheard.

25 (a) Within a reasonable time, but not later than 160 ~~90~~
26 days after either the filing of an application for an order
27 of authorization or approval that ~~which~~ is denied or not
28 later than 160 ~~90~~ days after the termination of the period of
29 an order or extension thereof, the issuing or denying judge
30 shall cause to be served on the persons overheard during the
31 period of named-~~in~~ the order or application and such other
32 persons in the recorded conversation as the judge may
33 determine that justice requires be notified, a notice of the

1 transaction involving any requested or completed use of an
2 eavesdropping device which shall include:

3 (1) notice of the entry of an order, of subsequent
4 approval in an emergency situation, or the denial of an
5 application;

6 (2) the date of the entry, approval, or denial;

7 (3) the period of the authorized use of any
8 eavesdropping device; and

9 (4) notice of whether during the period of eavesdropping
10 devices were or were not used to overhear and record various
11 conversations and whether or not such conversations are
12 recorded.

13 On an ex parte showing of good cause, the notice required
14 by this subsection may be postponed.

15 (b) Upon the filing of a motion, the judge may in his
16 discretion make available to such person or his attorney for
17 inspection such portions of the recorded conversations or the
18 applications and orders as the judge determines it would be
19 in the interest of justice to make available.

20 (c) The contents of any recorded conversation or
21 evidence derived therefrom shall not be received in evidence
22 or otherwise disclosed in any trial, hearing, or other
23 judicial or administrative proceeding unless each party not
24 less than 10 days before such a proceeding has been furnished
25 with a copy of the court order and accompanying application
26 under which the recording was authorized or approved and has
27 had an opportunity to examine the portion of the tapes to be
28 introduced or relied upon. Such 10 day period may be waived
29 by the judge if he finds that it was not possible to furnish
30 the party with such information within the stated period and
31 that the party will not be materially prejudiced by the delay
32 in receiving such information.

33 (Source: P.A. 79-1159.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.