

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 Section 108B-1 as follows:

6 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

7 Sec. 108B-1. Definitions. For the purpose of this
8 Article:

9 (a) "Aggrieved person" means a person who was a party to
10 any intercepted wire or oral communication or any person
11 against whom the intercept was directed.

12 (b) "Chief Judge" means, when referring to a judge
13 authorized to receive application for, and to enter orders
14 authorizing, interceptions of private oral communications,
15 the Chief Judge of the Circuit Court wherein the application
16 for order of interception is filed, or a Circuit Judge
17 designated by the Chief Judge to enter these orders. In
18 circuits other than the Cook County Circuit, "Chief Judge"
19 also means, when referring to a judge authorized to receive
20 application for, and to enter orders authorizing,
21 interceptions of private oral communications, an Associate
22 Judge authorized by Supreme Court Rule to try felony cases
23 who is assigned by the Chief Judge to enter these orders.
24 After assignment by the Chief Judge, an Associate Judge shall
25 have plenary authority to issue orders without additional
26 authorization for each specific application made to him by
27 the State's Attorney until the time the Associate Judge's
28 power is rescinded by the Chief Judge.

29 (c) "Communications common carrier" means any person
30 engaged as a common carrier for hire in the transmission of
31 communications by wire or radio, not including radio

1 broadcasting.

2 (d) "Contents" includes information obtained from a
3 private oral communication concerning the existence,
4 substance, purport or meaning of the communication, or the
5 identity of a party of the communication.

6 (e) "Court of competent jurisdiction" means any circuit
7 court.

8 (f) "Department" means Illinois Department of State
9 Police.

10 (g) "Director" means Director of the Illinois Department
11 of State Police.

12 (h) "Electronic criminal surveillance device" or
13 "eavesdropping device" means any device or apparatus,
14 including an induction coil, that can be used to intercept
15 human speech other than:

16 (1) Any telephone, telegraph or telecommunication
17 instrument, equipment or facility, or any component of
18 it, furnished to the subscriber or user by a
19 communication common carrier in the ordinary course of
20 its business, or purchased by any person and being used
21 by the subscriber, user or person in the ordinary course
22 of his business, or being used by a communications common
23 carrier in the ordinary course of its business, or by an
24 investigative or law enforcement officer in the ordinary
25 course of his duties; or

26 (2) A hearing aid or similar device being used to
27 correct subnormal hearing to not better than normal.

28 (i) "Electronic criminal surveillance officer" means any
29 law enforcement officer or retired law enforcement officer of
30 the United States or of the State or political subdivision of
31 it, or of another State, or of a political subdivision of it,
32 who is certified by the Illinois Department of State Police
33 to intercept private oral communications.

34 (j) "In-progress trace" means to determine the origin of

1 a wire communication to a telephone or telegraph instrument,
2 equipment or facility during the course of the communication.

3 (k) "Intercept" means the aural acquisition of the
4 contents of any oral communication through the use of any
5 electronic criminal surveillance device.

6 (l) "Journalist" means a person engaged in, connected
7 with, or employed by news media, including newspapers,
8 magazines, press associations, news agencies, wire services,
9 radio, television or other similar media, for the purpose of
10 gathering, processing, transmitting, compiling, editing or
11 disseminating news for the general public.

12 (m) "Law enforcement agency" means any law enforcement
13 agency of the United States, or the State or a political
14 subdivision of it.

15 (n) "Oral communication" means human speech used to
16 communicate by one party to another, in person, by wire
17 communication or by any other means.

18 (o) "Private oral communication" means a wire or oral
19 communication uttered by a person exhibiting an expectation
20 that the communication is not subject to interception, under
21 circumstances reasonably justifying the expectation.
22 Circumstances that reasonably justify the expectation that a
23 communication is not subject to interception include the use
24 of a cordless telephone or cellular communication device.

25 (p) "Wire communication" means any human speech used to
26 communicate by one party to another in whole or in part
27 through the use of facilities for the transmission of
28 communications by wire, cable or other like connection
29 between the point of origin and the point of reception
30 furnished or operated by a communications common carrier.

31 (q) "Privileged communications" means a private oral
32 communication between:

33 (1) a licensed and practicing physician and a
34 patient within the scope of the profession of the

1 physician;

2 (2) a licensed and practicing psychologist to a
3 patient within the scope of the profession of the
4 psychologist;

5 (3) a licensed and practicing attorney-at-law and a
6 client within the scope of the profession of the lawyer;

7 (4) a practicing clergyman and a confidant within
8 the scope of the profession of the clergyman;

9 (5) a practicing journalist within the scope of his
10 profession;

11 (6) spouses within the scope of their marital
12 relationship; or

13 (7) a licensed and practicing social worker to a
14 client within the scope of the profession of the social
15 worker.

16 (r) "Retired law enforcement officer" means a person:

17 (1) who is a graduate of a police training institute or
18 academy, who after graduating served for at least 15
19 consecutive years as a sworn, full-time peace officer
20 qualified to carry firearms for any federal or State
21 department or agency or for any unit of local government of
22 Illinois; (2) who has retired as a local, State, or federal
23 peace officer in a publicly created peace officer retirement
24 system; and (3) whose service in law enforcement was
25 honorably terminated through retirement or disability and not
26 as a result of discipline, suspension, or discharge.

27 (Source: P.A. 86-391; 86-763; 86-1028; 86-1206; 87-530.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.