

1 AN ACT in relation to perjury by peace officers.

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 adding Sections 115-21 and 116-5 as follows:

6 (725 ILCS 5/115-21 new)

7 Sec. 115-21. Perjury by peace officer; new trial. If it
8 is determined by the court during the trial of a capital case
9 that a peace officer has committed perjury during that trial
10 and the perjury is sufficiently material to affect the
11 reliability of the verdict, the court shall grant the
12 defendant a new trial upon that determination. The court may
13 make such a determination on the defendant's oral or written
14 motion or on its own motion and may make such a determination
15 at any time during the course of the trial.

16 (725 ILCS 5/116-5 new)

17 Sec. 116-5. Perjury by peace officer; new trial.
18 Following a verdict or finding of guilty in a capital case,
19 the defendant may file a motion for a new trial on the
20 grounds that a peace officer committed perjury during the
21 defendant's trial. Upon the court determining that a peace
22 officer committed perjury during the defendant's trial and
23 the perjury is sufficiently material to affect the
24 reliability of the verdict, the court shall vacate the
25 verdict or finding of guilty and shall grant the defendant a
26 new trial.

27 Section 10. The Unified Code of Corrections is amended by
28 adding Section 5-4-1.5 as follows:

1 (730 ILCS 5/5-4-1.5 new)

2 Sec. 5-4-1.5. Perjury by peace officer; new trial. If it
3 is determined by the court during sentencing in a capital
4 case that a peace officer has committed perjury during the
5 trial of that case or during the sentencing hearing and the
6 perjury is sufficiently material to affect the reliability of
7 the verdict, then upon that determination the court shall
8 vacate the verdict or finding of guilty and shall grant the
9 defendant a new trial. The court may make such a
10 determination on the defendant's oral or written motion or on
11 its own motion and may make such a determination at any time
12 during the course of the sentencing hearing.

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