

HB0803



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0803

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.

LRB100 05471 SLF 15482 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.→

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