



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0049

Introduced 1/3/2005, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

New Act
735 ILCS 5/8-802.3 new

Creates the Crime Stoppers Program Act. Provides for the certification of Crime Stoppers Programs by the Illinois State Crime Stoppers Association. Provides that a person or agency that is not a certified Crime Stoppers program may not use the name "Crime Stoppers". Provides that the Attorney General may enforce this provision through injunctive or other appropriate relief. Amends the Code of Civil Procedure. Provides that unless such nondisclosure will infringe the constitutional rights of the accused, the identity of a person who submits information of a criminal act to a Crime Stoppers program is privileged information and may not be disclosed in any judicial or administrative proceeding. Establishes procedures for the disclosure of that information. Provides that disclosure of the identity of witnesses to be produced at a hearing or trial shall not be denied. Provides that this provision shall not be construed to require a Crime Stoppers program to acquire or retain personal information from informants wishing to remain anonymous.

LRB094 03827 RLC 33838 b

1 AN ACT concerning Crime Stoppers programs.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Crime
5 Stoppers Program Act.

6 Section 5. Definition. In this Act, "Crime Stoppers
7 program" means a program that meets each of the following
8 requirements:

9 (a) The purpose of the program is to obtain information on
10 persons wanted for crimes and other criminal activity.

11 (b) The program has a law enforcement coordinator who
12 forwards information obtained by the program to the appropriate
13 law enforcement agency.

14 (c) The program allows the person submitting information to
15 remain anonymous.

16 (d) The program operates in conjunction with a law
17 enforcement agency or Office of the State's Attorney.

18 (e) The program has a civilian board of directors, is
19 incorporated in the State of Illinois, and is certified by the
20 Illinois State Crime Stoppers Association.

21 Section 10. Certification of programs. The Illinois State
22 Crime Stoppers Association shall certify Crime Stoppers
23 programs in this State. On or after the effective date of this
24 Act, a person or agency that is not a certified Crime Stoppers
25 program may not use the name "Crime Stoppers". The Attorney
26 General may enforce this Section through injunctive or other
27 appropriate relief.

28 Section 105. The Code of Civil Procedure is amended by
29 adding Section 8-802.3 as follows:

1 (735 ILCS 5/8-802.3 new)

2 Sec. 8-802.3. Privilege for information provided to a Crime
3 Stoppers program.

4 (a) Unless such nondisclosure will infringe the
5 constitutional rights of the accused, the identity of a person
6 who submits information of a criminal act to a Crime Stoppers
7 program is privileged information and may not be disclosed in
8 any judicial or administrative proceeding.

9 (b) Disclosure of information privileged under subsection
10 (a) may be sought by subpoena or through a request for
11 production, notice shall be given to the State's Attorney or
12 other prosecuting authority and the relevant Crime Stoppers
13 program, of the specific information sought upon issuance of
14 the subpoena. Subpoenaed information or information sent
15 through a request for production shall be sent directly to the
16 court and the party responding to a subpoena or a request for
17 production shall give notice to the State's Attorney or other
18 prosecuting authority and the relevant Crime Stoppers program
19 that such material has been sent to a court.

20 (c) If the State's Attorney or other prosecuting authority,
21 or the relevant Crime Stoppers program, objects to the
22 disclosure of the information sought by subpoena or by a
23 request to produce, the court shall conduct an in camera
24 inspection of the information, after which a hearing shall be
25 required before such privileged information is disclosed. The
26 party seeking disclosure of privileged information has the
27 burden of proving by clear and convincing evidence at the
28 hearing that the production of the privileged information is
29 necessary to ensure the constitutional rights of the accused.
30 If no objection is made within 30 days from the date of the
31 notice required to be made by the party responding to the
32 subpoena or request to produce, the court shall release the
33 information to the party seeking its disclosure.

34 (d) Disclosure of the identity of witnesses to be produced
35 at a hearing or trial shall not be denied under this Section.
36 Nothing in this Section shall be construed to require a Crime

1 Stoppers program to acquire or retain personal information from
2 informants wishing to remain anonymous.

3 (e) In this Section, "Crime Stoppers program" means a
4 program certified by the Illinois State Crime Stoppers
5 Association under the Crime Stoppers Program Act.