



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2452

Introduced 2/15/2008, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-8

from Ch. 38, par. 32-8

Amends the Criminal Code of 1961. Provides that a public record expressly includes, but is not limited to, court records pertaining to any civil or criminal proceeding in any court. Provides that a judge, circuit clerk or clerk of any court, an inspector general of any court, public official or employee, court reporter, or any other person who knowingly and without lawful authority alters, destroys, defaces, removes, or conceals any public record received or held by any judge or by a clerk of any court commits a Class 3 felony and shall forfeit his or her elected office or public employment, if any, together with his or her entitlement to any and all public pensions or other benefits payable by the State of Illinois or by any public entity created or organized under the laws of the State of Illinois, if any. Provides that prosecution of a violation of this provision shall be commenced within 10 years after the commission of the act constituting the violation.

LRB095 19269 RLC 46181 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Criminal Code of 1961 is amended by changing
5 Section 32-8 as follows:

6 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

7 Sec. 32-8. Tampering with public records.

8 (a) A person who knowingly and without lawful authority
9 alters, destroys, defaces, removes or conceals any public
10 record commits a Class 4 felony.

11 (b) A public record, as so defined, expressly includes, but
12 is not limited to, court records pertaining to any civil or
13 criminal proceeding in any court.

14 (c) A judge, circuit clerk or clerk of any court, an
15 inspector general of any court, public official or employee,
16 court reporter, or any other person who knowingly and without
17 lawful authority alters, destroys, defaces, removes, or
18 conceals any public record received or held by any judge or by
19 a clerk of any court commits a Class 3 felony.

20 (d) Any person convicted under subsection (c) shall forfeit
21 his or her elected office or public employment, if any,
22 together with his or her entitlement to any and all public
23 pensions or other benefits payable by the State of Illinois or

1 by any public entity created or organized under the laws of the
2 State of Illinois, if any.

3 (e) Any party having an interest in the protection and
4 integrity of any court record, whether such party be a public
5 official or a private individual, shall have the right to
6 request and, if necessary, to demand an investigation be opened
7 into the destruction, defacement, removal, or concealment of
8 any public record. Such request may be made to any law
9 enforcement agency, including, but not limited to, local law
10 enforcement and the State Police.

11 (f) When the local law enforcement agency having
12 jurisdiction declines to investigate, or inadequately
13 investigates, a violation of subsection (c), the State Police
14 shall have the authority to investigate, and shall investigate,
15 the same, without regard to whether such local law enforcement
16 agency has requested the State Police to do so.

17 (g) When the State's Attorney having jurisdiction declines
18 to prosecute a violation of subsection (c), the Attorney
19 General shall have the authority to prosecute the same, without
20 regard to whether such State's Attorney has requested the
21 Attorney General to do so.

22 (h) Prosecution of a violation of subsection (c) shall be
23 commenced within 10 years after the commission of the act
24 constituting the violation.

25 (Source: P.A. 77-2638.)