

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 and with the intent to defraud any party, public officer or
10 entity, alters, destroys, defaces, removes or conceals any
11 public record commits a Class 4 felony.

12 (b) "Public record" expressly includes, but is not limited
13 to, court records, or documents, evidence, or exhibits filed
14 with the clerk of the court and which have become a part of the
15 official court record, pertaining to any civil or criminal
16 proceeding in any court.

17 (c) Any judge, circuit clerk or clerk of court, public
18 official or employee, court reporter, or other person who
19 knowingly, ~~and~~ without lawful authority, and with the intent to
20 defraud any party, public officer or entity, alters, destroys,
21 defaces, removes, or conceals any public record received or
22 held by any judge or by a clerk of any court commits a Class 3
23 felony.

1 (d) Any person convicted under subsection (c) who at the
2 time of the violation was responsible for making, keeping,
3 storing, or reporting the record for which the tampering
4 occurred:

5 (1) shall forfeit his or her public office or public
6 employment, if any, and shall thereafter be ineligible for
7 both State and local public office and public employment in
8 this State for a period of 5 years after completion of any
9 term of probation, conditional discharge, or incarceration
10 in a penitentiary including the period of mandatory
11 supervised release;

12 (2) shall forfeit all retirement, pension, and other
13 benefits arising out of public office or public employment
14 as may be determined by the court in accordance with the
15 applicable provisions of the Illinois Pension Code;

16 (3) shall be subject to termination of any professional
17 licensure or registration in this State as may be
18 determined by the court in accordance with the provisions
19 of the applicable professional licensing or registration
20 laws;

21 (4) may be ordered by the court, after a hearing in
22 accordance with applicable law and in addition to any other
23 penalty or fine imposed by the court, to forfeit to the
24 State an amount equal to any financial gain or the value of
25 any advantage realized by the person as a result of the
26 offense; and

1 (5) may be ordered by the court, after a hearing in
2 accordance with applicable law and in addition to any other
3 penalty or fine imposed by the court, to pay restitution to
4 the victim in an amount equal to any financial loss or the
5 value of any advantage lost by the victim as a result of
6 the offense.

7 For the purposes of this subsection (d), an offense under
8 subsection (c) committed by a person holding public office or
9 public employment shall be rebuttably presumed to relate to or
10 arise out of or in connection with that public office or public
11 employment.

12 (e) Any party litigant who believes a violation of this
13 Section has occurred may seek the restoration of the court
14 record as provided in the Court Records Restoration Act. Any
15 order of the court denying the restoration of the court record
16 may be appealed as any other civil judgment having an interest
17 ~~in the protection and integrity of any court record, whether~~
18 ~~such party be a public official or a private individual, shall~~
19 ~~have the right to request and, if necessary, to demand that an~~
20 ~~investigation be opened into the alteration, destruction,~~
21 ~~defacement, removal, or concealment of any public record. Such~~
22 ~~request may be made to any law enforcement agency, including,~~
23 ~~but not limited to, local law enforcement and the State Police.~~

24 (f) When the sheriff or local law enforcement agency having
25 jurisdiction declines to investigate, or inadequately
26 investigates, the court or any interested party, shall notify

1 the State Police of a suspected a violation of subsection (a)
2 or (c), who ~~the State Police~~ shall have the authority to
3 investigate, and may ~~shall~~ investigate, the same, without
4 regard to whether such local law enforcement agency has
5 requested the State Police to do so.

6 (g) If ~~When~~ the State's Attorney having jurisdiction
7 declines to prosecute a violation of subsection (a) or (c), the
8 court or interested party shall notify the Attorney General of
9 such refusal. The ~~the~~ Attorney General shall, thereafter, have
10 the authority to prosecute, and may prosecute, the same,
11 without a referral from ~~regard to whether~~ such State's Attorney
12 ~~has requested the Attorney General to do so.~~

13 (h) Prosecution of a violation of subsection (c) shall be
14 commenced within 3 years after the act constituting the
15 violation is discovered or reasonably should have been
16 discovered.

17 (Source: P.A. 96-1217, eff. 1-1-11.)