



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4172

Introduced 2/27/2009, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.5 new

Amends the Code of Criminal Procedure of 1963. Provides that in a criminal prosecution in which the defendant is accused of arson, aggravated arson, residential arson, place of worship arson, or possession of cannabis, a controlled substance, or methamphetamine with intent to deliver such cannabis, controlled substance, or methamphetamine, evidence of the defendant's commission of another offense or offenses of arson, aggravated arson, residential arson, place of worship arson, or possession of cannabis, a controlled substance, or methamphetamine with intent to deliver such cannabis, controlled substance, or methamphetamine is admissible, and may be considered for its bearing on any matter to which it is relevant.

LRB096 01999 RLC 12010 b

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 adding Section 115-7.5 as follows:

6 (725 ILCS 5/115-7.5 new)

7 Sec. 115-7.5. Evidence of prior acts; arson and controlled
8 substance offenses.

9 (a) In a criminal prosecution in which the defendant is
10 accused of arson, aggravated arson, residential arson, place of
11 worship arson, or possession of cannabis, a controlled
12 substance, or methamphetamine with intent to deliver such
13 cannabis, controlled substance, or methamphetamine, evidence
14 of the defendant's commission of another offense or offenses of
15 arson, aggravated arson, residential arson, place of worship
16 arson, or possession of cannabis, a controlled substance, or
17 methamphetamine with intent to deliver such cannabis,
18 controlled substance, or methamphetamine is admissible, and
19 may be considered for its bearing on any matter to which it is
20 relevant.

21 (b) In weighing the probative value of the evidence against
22 undue prejudice to the defendant, the court may consider:

23 (1) the proximity in time to the charged or predicate

1 offense;

2 (2) the degree of factual similarity to the charged or
3 predicate offense; or

4 (3) other relevant facts and circumstances.

5 (c) In a criminal case in which the prosecution intends to
6 offer evidence under this Section, it must disclose the
7 evidence, including statements of witnesses or a summary of the
8 substance of any testimony, at a reasonable time in advance of
9 trial, or during trial if the court excuses pretrial notice on
10 good cause shown.

11 (d) In a criminal case in which evidence is offered under
12 this Section, proof may be made by specific instances of
13 conduct, testimony as to reputation, or testimony in the form
14 of an expert opinion, except that the prosecution may offer
15 reputation testimony only after the opposing party has offered
16 that testimony.