



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5089

Introduced 2/7/2012, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

725 ILCS 215/2	from Ch. 38, par. 1702
725 ILCS 215/3	from Ch. 38, par. 1703
725 ILCS 215/4	from Ch. 38, par. 1704

Amends the Statewide Grand Jury Act. Provides that a Statewide Grand Jury may be convened to investigate violations of offenses involving the corruption of a public official, including theft, fraud, extortion or the Official Misconduct Article and the Public Contracts Article of the Criminal Code of 1961.

LRB097 18140 RLC 63364 b

CORRECTIONAL
BUDGET AND
IMPACT 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 Statewide Grand Jury Act is amended by
5 changing Sections 2, 3, and 4 as follows:

6 (725 ILCS 215/2) (from Ch. 38, par. 1702)

7 Sec. 2. (a) County grand juries and State's Attorneys have
8 always had and shall continue to have primary responsibility
9 for investigating, indicting, and prosecuting persons who
10 violate the criminal laws of the State of Illinois. However, in
11 recent years organized terrorist activity directed against
12 innocent civilians, ~~and~~ certain criminal enterprises, and
13 public corruption have developed that require investigation,
14 indictment, and prosecution on a statewide or multicounty
15 level. The criminal enterprises exist as a result of the allure
16 of profitability present in narcotic activity, public
17 corruption, the unlawful sale and transfer of firearms, and
18 streetgang related felonies and organized terrorist activity
19 is supported by the contribution of money and expert assistance
20 from geographically diverse sources. In order to shut off the
21 life blood of terrorism and weaken or eliminate the criminal
22 enterprises, assets, and property used to further these
23 offenses must be frozen, and any profit must be removed. State

1 statutes exist that can accomplish that goal. Among them are
2 the offense of money laundering, the Cannabis and Controlled
3 Substances Tax Act, violations of Articles Article 29D, 33, and
4 33E of the Criminal Code of 1961, the Narcotics Profit
5 Forfeiture Act, and gunrunning. Local prosecutors need
6 investigative personnel and specialized training to attack and
7 eliminate these profits. In light of the transitory and complex
8 nature of conduct that constitutes these criminal activities,
9 the many diverse property interests that may be used, acquired
10 directly or indirectly as a result of these criminal
11 activities, and the many places that illegally obtained
12 property may be located, it is the purpose of this Act to
13 create a limited, multicounty Statewide Grand Jury with
14 authority to investigate, indict, and prosecute: narcotic
15 activity, including cannabis and controlled substance
16 trafficking, narcotics racketeering, money laundering,
17 violations of the Cannabis and Controlled Substances Tax Act,
18 ~~and~~ violations of Articles Article 29D, 33, and 33E of the
19 Criminal Code of 1961; public corruption crimes; the unlawful
20 sale and transfer of firearms; gunrunning; and streetgang
21 related felonies.

22 (b) A Statewide Grand Jury may also investigate, indict,
23 and prosecute violations facilitated by the use of a computer
24 of any of the following offenses: indecent solicitation of a
25 child, sexual exploitation of a child, soliciting for a
26 juvenile prostitute, keeping a place of juvenile prostitution,

1 juvenile pimping, child pornography, aggravated child
2 pornography, or promoting juvenile prostitution except as
3 described in subdivision (a)(4) of Section 11-14.4 of the
4 Criminal Code of 1961.

5 (Source: P.A. 96-1551, eff. 7-1-11.)

6 (725 ILCS 215/3) (from Ch. 38, par. 1703)

7 Sec. 3. Written application for the appointment of a
8 Circuit Judge to convene and preside over a Statewide Grand
9 Jury, with jurisdiction extending throughout the State, shall
10 be made to the Chief Justice of the Supreme Court. Upon such
11 written application, the Chief Justice of the Supreme Court
12 shall appoint a Circuit Judge from the circuit where the
13 Statewide Grand Jury is being sought to be convened, who shall
14 make a determination that the convening of a Statewide Grand
15 Jury is necessary.

16 In such application the Attorney General shall state that
17 the convening of a Statewide Grand Jury is necessary because of
18 an alleged offense or offenses set forth in this Section
19 involving more than one county of the State and identifying any
20 such offense alleged; and

21 (a) that he or she believes that the grand jury
22 function for the investigation and indictment of the
23 offense or offenses cannot effectively be performed by a
24 county grand jury together with the reasons for such
25 belief, and

1 (b) (1) that each State's Attorney with jurisdiction
2 over an offense or offenses to be investigated has
3 consented to the impaneling of the Statewide Grand
4 Jury, or

5 (2) if one or more of the State's Attorneys having
6 jurisdiction over an offense or offenses to be
7 investigated fails to consent to the impaneling of the
8 Statewide Grand Jury, the Attorney General shall set
9 forth good cause for impaneling the Statewide Grand
10 Jury.

11 If the Circuit Judge determines that the convening of a
12 Statewide Grand Jury is necessary, he or she shall convene and
13 impanel the Statewide Grand Jury with jurisdiction extending
14 throughout the State to investigate and return indictments:

15 (a) For violations of any of the following or for any
16 other criminal offense committed in the course of violating
17 any of the following: Article 29D of the Criminal Code of
18 1961, the Illinois Controlled Substances Act, the Cannabis
19 Control Act, the Methamphetamine Control and Community
20 Protection Act, the Narcotics Profit Forfeiture Act, or the
21 Cannabis and Controlled Substances Tax Act; a streetgang
22 related felony offense; Section 24-2.1, 24-2.2, 24-3,
23 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
24 24-1(a) (4), 24-1(a) (6), 24-1(a) (7), 24-1(a) (9),
25 24-1(a) (10), or 24-1(c) of the Criminal Code of 1961; or a
26 money laundering offense; provided that the violation or

1 offense involves acts occurring in more than one county of
2 this State; and

3 (a-5) For violations facilitated by the use of a
4 computer, including the use of the Internet, the World Wide
5 Web, electronic mail, message board, newsgroup, or any
6 other commercial or noncommercial on-line service, of any
7 of the following offenses: indecent solicitation of a
8 child, sexual exploitation of a child, soliciting for a
9 juvenile prostitute, keeping a place of juvenile
10 prostitution, juvenile pimping, child pornography,
11 aggravated child pornography, or promoting juvenile
12 prostitution except as described in subdivision (a)(4) of
13 Section 11-14.4 of the Criminal Code of 1961; and

14 (a-6) For violations of offenses involving the
15 corruption of a public official, including theft, fraud,
16 extortion or a violation of Article 33 or 33E of the
17 Criminal Code of 1961; and

18 (b) For the offenses of perjury, subornation of
19 perjury, communicating with jurors and witnesses, and
20 harassment of jurors and witnesses, as they relate to
21 matters before the Statewide Grand Jury.

22 "Streetgang related" has the meaning ascribed to it in
23 Section 10 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act.

25 Upon written application by the Attorney General for the
26 convening of an additional Statewide Grand Jury, the Chief

1 Justice of the Supreme Court shall appoint a Circuit Judge from
2 the circuit for which the additional Statewide Grand Jury is
3 sought. The Circuit Judge shall determine the necessity for an
4 additional Statewide Grand Jury in accordance with the
5 provisions of this Section. No more than 2 Statewide Grand
6 Juries may be empaneled at any time.

7 (Source: P.A. 96-1551, eff. 7-1-11.)

8 (725 ILCS 215/4) (from Ch. 38, par. 1704)

9 Sec. 4. (a) The presiding judge of the Statewide Grand Jury
10 will receive recommendations from the Attorney General as to
11 the county in which the Grand Jury will sit. Prior to making
12 the recommendations, the Attorney General shall obtain the
13 permission of the local State's Attorney to use his or her
14 county for the site of the Statewide Grand Jury. Upon receiving
15 the Attorney General's recommendations, the presiding judge
16 will choose one of those recommended locations as the site
17 where the Grand Jury shall sit.

18 Any indictment by a Statewide Grand Jury shall be returned
19 to the Circuit Judge presiding over the Statewide Grand Jury
20 and shall include a finding as to the county or counties in
21 which the alleged offense was committed. Thereupon, the judge
22 shall, by order, designate the county of venue for the purpose
23 of trial. The judge may also, by order, direct the
24 consolidation of an indictment returned by a county grand jury
25 with an indictment returned by the Statewide Grand Jury and set

1 venue for trial.

2 (b) Venue for purposes of trial for the offense of
3 narcotics racketeering shall be proper in any county where:

4 (1) Cannabis or a controlled substance which is the
5 basis for the charge of narcotics racketeering was used;
6 acquired; transferred or distributed to, from or through;
7 or any county where any act was performed to further the
8 use; acquisition, transfer or distribution of said
9 cannabis or controlled substance; or

10 (2) Any money, property, property interest, or any
11 other asset generated by narcotics activities was
12 acquired, used, sold, transferred or distributed to, from
13 or through; or,

14 (3) Any enterprise interest obtained as a result of
15 narcotics racketeering was acquired, used, transferred or
16 distributed to, from or through, or where any activity was
17 conducted by the enterprise or any conduct to further the
18 interests of such an enterprise.

19 (c) Venue for purposes of trial for the offense of money
20 laundering shall be proper in any county where any part of a
21 financial transaction in criminally derived property took
22 place, or in any county where any money or monetary interest
23 which is the basis for the offense, was acquired, used, sold,
24 transferred or distributed to, from, or through.

25 (d) A person who commits the offense of cannabis
26 trafficking or controlled substance trafficking may be tried in

1 any county.

2 (e) Venue for purposes of trial for any violation of
3 Article 29D of the Criminal Code of 1961 may be in the county
4 in which an act of terrorism occurs, the county in which
5 material support or resources are provided or solicited, the
6 county in which criminal assistance is rendered, or any county
7 in which any act in furtherance of any violation of Article 29D
8 of the Criminal Code of 1961 occurs.

9 (f) Venue for purposes of trial for any offense involving
10 the corruption of a public official may be in the county in
11 which the offense occurred.

12 (Source: P.A. 92-854, eff. 12-5-02.)