

SB1808



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1808

Introduced 2/9/2011, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-8

from Ch. 38, par. 32-8

Amends the Criminal Code of 1961. Provides that any judge, circuit clerk or clerk of court, public official or employee, court reporter, or other person who knowingly and without lawful authority falsifies any public record received or held by any judge or by a clerk of any court commits a Class 3 felony. Effective immediately.

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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 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) "Public record" expressly includes, but is not limited
12 to, court records pertaining to any civil or criminal
13 proceeding in any court.

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

20 (d) Any person convicted under subsection (c):

21 (1) shall forfeit his or her public office or public
22 employment, if any, and shall thereafter be ineligible for
23 both State and local public office and public employment in

1 this State for a period of 5 years after completion of any
2 term of probation, conditional discharge, or mandatory
3 supervised release;

4 (2) shall forfeit all retirement, pension, and other
5 benefits arising out of public office or public employment
6 in accordance with the applicable provisions of the
7 Illinois Pension Code;

8 (3) shall be subject to termination of any professional
9 licensure or registration in this State in accordance with
10 the provisions of the applicable professional licensing or
11 registration laws;

12 (4) may be ordered by the court, after a hearing in
13 accordance with applicable law and in addition to any other
14 penalty or fine imposed by the court, to forfeit to the
15 State an amount equal to any financial gain or the value of
16 any advantage realized by the person as a result of the
17 offense; and

18 (5) may be ordered by the court, after a hearing in
19 accordance with applicable law and in addition to any other
20 penalty or fine imposed by the court, to pay restitution to
21 the victim in an amount equal to any financial loss or the
22 value of any advantage lost by the victim as a result of
23 the offense.

24 For the purposes of this subsection (d), an offense under
25 subsection (c) committed by a person holding public office or
26 public employment shall be rebuttably presumed to relate to or

1 arise out of or in connection with that public office or public
2 employment.

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 that an investigation be
7 opened into the alteration, destruction, defacement, removal,
8 ~~or~~ concealment, or falsification of any public record. Such
9 request may be made to any law enforcement agency, including,
10 but not limited to, local law 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 3 years after the act constituting the
24 violation is discovered or reasonably should have been
25 discovered.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.