

SB3170



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3170

Introduced 2/11/2014, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-3

from Ch. 38, par. 108-3

Amends the Code of Criminal Procedure of 1963. Makes a technical change in a Section on grounds for a search warrant.

LRB098 19998 MRW 55225 b

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 108-3 as follows:

6 (725 ILCS 5/108-3) (from Ch. 38, par. 108-3)

7 Sec. 108-3. Grounds for search warrant.

8 (a) Except as provided in subsection (b), upon the ~~the~~
9 written complaint of any person under oath or affirmation which
10 states facts sufficient to show probable cause and which
11 particularly describes the place or person, or both, to be
12 searched and the things to be seized, any judge may issue a
13 search warrant for the seizure of the following:

14 (1) Any instruments, articles or things designed or
15 intended for use or which are or have been used in the
16 commission of, or which may constitute evidence of, the
17 offense in connection with which the warrant is issued; or
18 contraband, the fruits of crime, or things otherwise
19 criminally possessed.

20 (2) Any person who has been kidnaped in violation of
21 the laws of this State, or who has been kidnaped in another
22 jurisdiction and is now concealed within this State, or any
23 human fetus or human corpse.

1 (b) When the things to be seized are the work product of,
2 or used in the ordinary course of business, and in the
3 possession, custody, or control of any person known to be
4 engaged in the gathering or dissemination of news for the print
5 or broadcast media, no judge may issue a search warrant unless
6 the requirements set forth in subsection (a) are satisfied and
7 there is probable cause to believe that:

8 (1) such person has committed or is committing a
9 criminal offense; or

10 (2) the things to be seized will be destroyed or
11 removed from the State if the search warrant is not issued.

12 (Source: P.A. 89-377, eff. 8-18-95.)