

1 AN ACT in relation to public safety.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Illinois Racketeering Act.

6 Section 10. Definitions.

7 "Racketeering activity" means any act or threat involving
8 a hate crime as defined under Section 12-7.1 of the Criminal
9 Code of 1961 and (i) any act or threat involving murder,
10 kidnapping, arson, robbery, bribery, or extortion; or, (ii)
11 any act that is indictable under the Criminal Code of 1961
12 relating to obstruction of justice, obstruction of State or
13 local law enforcement, interference with commerce, robbery,
14 extortion, or interstate transportation of stolen property.

15 "Person" means any individual or entity capable of
16 holding a legal or beneficial interest in property.

17 "Enterprise" means any individual, partnership,
18 corporation, association, or other legal entity and any group
19 of individuals associated in fact although not a legal
20 entity.

21 "Pattern of racketeering activity" means at least 2 acts
22 of racketeering activity, one of which occurred after the
23 effective date of this Act and the last of which occurred
24 within 2 years (excluding any period of imprisonment) after
25 the commission of a prior act of racketeering activity.

26 "Racketeering investigator" means any attorney or
27 investigator so designated by the Attorney General and
28 charged with the duty of enforcing or carrying into effect
29 this Act.

30 "Racketeering investigation" means any inquiry conducted
31 by any racketeering investigator for the purpose of

1 ascertaining whether any person has been involved in any
2 violation of this Act or of any final order, judgment, or
3 decree of any circuit court duly entered in any case or
4 proceeding arising under this Act.

5 "Documentary material" includes any book, paper,
6 document, record, recording, or other material.

7 "Attorney General" means the Illinois Attorney General.

8 Section 15. Prohibited activities.

9 (a) It is unlawful for any person to receive any income
10 derived, directly or indirectly, from a pattern of
11 racketeering activity.

12 (b) It is unlawful for any person, through a pattern of
13 racketeering activity, to acquire or maintain, directly or
14 indirectly, any interest in or control of any enterprise
15 which is engaged in or the activities of which affect State
16 or local commerce.

17 (c) It is unlawful for any person employed by or
18 associated with any enterprise engaged in or the activities
19 of which affect State or local commerce to conduct or
20 participate, directly or indirectly, in the conduct of such
21 enterprise's affairs through a pattern of racketeering
22 activity.

23 (d) It is unlawful for any person to conspire to violate
24 any of the provisions in subsection (a), (b) or (c).

25 Section 20. Civil penalties.

26 (a) The circuit court shall have jurisdiction to prevent
27 and restrain violations of Section 15 of this Act by issuing
28 appropriate orders, including, but not limited to: ordering
29 any person to divest himself or herself of any interest,
30 direct or indirect, in any enterprise; imposing reasonable
31 restrictions on the future activities or investments of any
32 person, including, but not limited to prohibiting any person

1 from engaging in the same type of endeavor as the enterprise
2 engaged in, the activities of which affect State or local
3 commerce; or by ordering dissolution or reorganization of any
4 enterprise, making due provision for the rights of innocent
5 persons.

6 (b) The Attorney General may institute proceedings under
7 this Section. In any action brought by the State of Illinois
8 under this Section, the circuit court shall proceed as soon
9 as practicable to the hearing and determination thereof.
10 Pending final determination the action, the circuit court may
11 at any time enter such restraining orders or prohibitions, or
12 take such other actions, including the acceptance of
13 satisfactory performance bonds, as it shall deem proper.

14 (c) Any person injured in his or her business or
15 property by reason of a violation of Section 15 of this Act
16 may sue therefor in any appropriate circuit court and shall
17 recover threefold the damages he or she sustains and the cost
18 of the suit, including reasonable attorney's fee.

19 Section 25. Venue and process.

20 (a) Any civil action or proceeding under this Act
21 against any person may be instituted in a circuit court in
22 which the person resides, is found, has an agent or transacts
23 his affairs.

24 (b) In any action under Section 15 of this Act in any
25 circuit court in which it is shown that the court may cause
26 such parties to be summoned, process for that purpose may be
27 served in any circuit of Illinois by the sheriff of the
28 county in which the court is located.

29 (c) In any civil action or proceeding instituted by the
30 State of Illinois under this Act in a circuit court,
31 subpoenas issued by such court to compel the attendance of
32 witnesses may be served except that no subpoena may shall be
33 issued for service upon any individual who resides in another

1 circuit at a place more than 100 miles from the place at
2 which such court is held without approval given by a judge of
3 such court upon a showing of good cause.

4 (e) All other process in any action or proceeding under
5 this Act may be served on any person in any circuit in which
6 such person resides, is found, has an agent, or transacts his
7 affairs.

8 Section 30. Expedition of actions. In any civil action
9 instituted under this Act by the State of Illinois in any
10 circuit court, the Attorney General may file with the clerk
11 of that court a certificate stating that in his or her
12 opinion the case is of general public importance. A copy of
13 that certificate shall be immediately furnished by the clerk
14 to the chief judge or, in his or her absence, to the
15 presiding judge of the court in which the action is pending.
16 Upon receipt of the copy, the judge shall designate
17 immediately a judge of that circuit to hear and determine the
18 action.

19 Section 35. Civil investigative demand.

20 (a) Whenever the Attorney General has reason to believe
21 that any person or enterprise may be in possession, custody,
22 or control of any documentary materials relevant to a
23 racketeering organization, he or she may, prior to the
24 institution of a civil proceeding thereon, issue in writing
25 and cause to be served on that person a civil investigative
26 demand requiring the person to produce such material for
27 examination.

28 (b) Each such demand shall (i) state the nature of the
29 conduct constituting the alleged racketeering violation that
30 is under investigation and the provision of law applicable
31 thereto; describe the class or classes of documentary
32 material produced thereunder with such definiteness and

1 certainty as to permit such material to be fairly identified;
2 (iii) state that the demand is returnable forthwith or
3 prescribe a return date which will provide a reasonable
4 period of time within which the material so demanded may be
5 assembled and made available for inspection and copying or
6 reproduction; and (iv) identify the custodian to whom such
7 material shall be made available.

8 (c) No such demand shall contain a requirement that
9 would be held to be unreasonable if contained in a subpoena
10 duces tecum issued by a circuit court of Illinois in aid of a
11 grand jury investigation of such alleged racketeering
12 violation.

13 (d) Service of any such demand or any petition filed
14 under this Section may be made upon a person by (i)
15 delivering a duly executed copy thereof to any partner,
16 executive officer, managing agent, or general agent thereof,
17 or to any agent thereof authorized by appointment or by law
18 to receive services of process on behalf of such a person, or
19 upon any individual person; (ii) delivering a duly executed
20 copy thereof to the principal office or place of business of
21 the person to be served; or (iii) depositing such copy in the
22 United States mail, by registered or certified mail duly
23 addressed to such person at its principal office or place of
24 business.

25 (e) A verified return by the individual serving any such
26 demand or petition setting forth the manner of such service
27 shall be prima facie proof of such service. In the case of
28 service by registered or certified mail, such return shall be
29 accompanied by the return post office receipt of delivery of
30 such demand.

31 (f) The Attorney General shall designate a racketeering
32 investigator to serve as racketeer document custodian and
33 such additional racketeering investigators as he shall
34 determine from time to time to be necessary to serve as

1 deputies to such officer. Any person upon whom any demand
2 issued under this Section has been duly served shall make
3 such material available for inspection and copying and
4 reproduction to the custodian designated therein at the
5 principal place of business of such person or at such other
6 place as such custodian and such person thereafter may agree
7 and prescribe in writing or as the court may direct, pursuant
8 to this Section on the return date specified in such demand
9 or on such later date as such custodian may prescribe in
10 writing. Such person may, upon written agreement between such
11 person and the custodian, substitute for copies of all or any
12 part of such material originals thereof. The custodian to
13 whom any documentary material is so delivered shall take
14 physical possession thereof and shall be responsible for the
15 use made thereof and for the return thereof pursuant to this
16 Act. The custodian may cause the preparation of such copies
17 of such documentary materials as may be required for official
18 use under rules that shall be promulgated by the Attorney
19 General. While in the possession of the custodian, no
20 material so produced shall be available for examination
21 without the consent of the person who produced such material
22 by any individual other than the Attorney General or his or
23 her designee. Under such reasonable terms and conditions as
24 the Attorney General shall prescribe, documentary materials
25 while in the possession of the custodian shall be available
26 for examination by the person who produced such material or
27 any duly authorized representatives of such person. Whenever
28 any attorney has been designated to appear on behalf of the
29 State of Illinois before any court in any case or proceeding
30 involving any alleged violation of this Act, the custodian
31 may deliver to such attorney any materials determined to be
32 required for use in the presentation of such case or
33 proceeding on behalf of the State of Illinois. Upon the
34 conclusion of any such case or proceeding, such attorney

1 shall return to the custodian any documentary material so
2 withdrawn that has not passed into the control of such court
3 through the introduction thereof into the record of such case
4 or proceeding. Upon the completion of (i) the racketeering
5 investigation for which any documentary material was produced
6 under this Act; and (ii) any case or proceeding arising from
7 such investigation, the custodian shall return to the person
8 who produced such material all such material other than
9 copies thereof made by the Attorney General pursuant to this
10 subsection (f) that has not passed into the control of any
11 court through the introduction of such case or proceeding.
12 When any documentary material has been produced by any person
13 under this Section for use in any racketeering investigation
14 and no such case or proceeding arising therefrom has been
15 instituted within a reasonable time after completion of the
16 examination and analysis of all evidence assembled in the
17 course of such investigation, such person shall be entitled,
18 upon written demand made upon the Attorney General to the
19 return of all documentary material other than copies thereof
20 made pursuant to this subsection (f) so produced by such
21 person. In the event of the death, disability, or separation
22 from service of the custodian of any documentary material
23 produced under any demand issued under this Section or the
24 official relief of such custodian from responsibility for the
25 custody and control of such material, the Attorney General
26 shall (i) designate another racketeering investigator to
27 serve as custodian thereof, and (ii) transmit notice in
28 writing to the person who produced such material as to the
29 identity and address of the successor so designated. Any
30 successor so designated shall have, with regard to such
31 materials, all duties and responsibilities imposed by this
32 Section upon his predecessor in office with regard thereto,
33 except that he or she shall not be held responsible for any
34 default or dereliction that occurred before his designation

1 as custodian.

2 (g) Whenever any person fails to comply with any civil
3 investigative demand duly served upon him or her under this
4 Section or whenever satisfactory copying or reproduction of
5 any such material cannot be done and such person refuses to
6 surrender such material, the Attorney General may file, in
7 any circuit of the circuit court of Illinois in which such
8 person resides, is found, or transacts business, and serve
9 upon such person a petition for an order of such court for
10 the enforcement of this Section, except that if such person
11 transacts business in more than one circuit, such petition
12 shall be filed in the circuit in which such person maintains
13 his principal place of business, or in such other circuit in
14 which such person transacts business as may be agreed upon by
15 the parties to such petition.

16 (h) Within 20 days after the service of any such demand
17 upon any person, or at any time before the return date
18 specified in the demand, whichever period is shorter, such
19 person may file, in the circuit court within which such
20 person resides, is found, or transacts business and serve
21 upon such custodian a petition for an order of such court
22 modifying or setting aside such demand. The time allowed for
23 compliance with the demand in whole or in part as deemed
24 proper and ordered by the court shall not run during the
25 pendency of such petition in the court. Such petition shall
26 specify each ground upon which the petitioner relies in
27 seeking such relief, and may be based upon any failure of
28 such demand to comply with the provisions of this Section or
29 upon any constitutional or other legal right or privilege of
30 such person.

31 (i) At any time during which any custodian is in custody
32 or control of any documentary material delivered by any
33 person in compliance with any such demand, such person may
34 file, in a circuit court of Illinois for the circuit in which

1 the office of such custodian is situated, and serve upon such
2 custodian a petition for an order of such court requiring the
3 performance by such custodian of any duty imposed upon him or
4 her by this Section.

5 (j) Whenever any petition is filed in a circuit court
6 under this Section, such court shall have jurisdiction to
7 hear and determine the matter so presented, and to enter
8 such order or orders as may be required to carry into effect
9 the provisions of this Section.

10 Section 99. Effective date. This Act takes effect
11 January 1, 2002.